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Free Minds and Free Markets

March 1990/Vol. 21, No. 10

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THE BANALITY OF FREEDOM?

VIRGINIA I. POSTREL

It's happening. Now that Eastern Europe has mostly dumped communism, Western pundits are starting to have second thoughts. So far, nobody is calling for a return to the good old days of censorship and secret police. But a certain uncomfortable squirming can be detected in the precincts served by the Trump Shuttle.

Washington-based columnist Cal Thomas, late of the Moral Majority, is distressed to find *Playboy* sold in Hungary and abortion legal in Romania: "If Eastern Europe thought communism was a difficult yoke to bear, wait until it gets a sample of Western-style hedonism." Meanwhile, over at *The Nation*, Alexander Cockburn bemoans Gorbachev's sudden tolerance for religion in general and the Catholic church in particular.

And from his *New York Times* podium, Tom Wicker hints that Czechoslovakians may soon be enjoying such American luxuries as street crime, expensive health care, lousy public schools, homeless street people, crumbling infrastructure, overburdened landfills, and a polluted environment. "That Communism has failed," he concludes, "does not make the Western alternative perfect, or even satisfying for millions of those who live under it."

For more than 50 years, the West has defined itself by what it is *not*—communist or fascist—and rarely by what it *is*. Now that our ideals seem to be triumphing, we are forced to consider directly a long-unasked question: What does the *free* in "free world" mean? And do we like it?

The sudden reversal of communism provides a sort of Rorschach test for the West. What we see when we look at Eastern Europe—at what it is and what it may become—reveals a lot about what we think about our own condition. And many intellectuals seem none too happy with what they find in the ink blot.

Now that it appears to be winning, liberalism—the idea of individual liberty preserved by limited government and the consent of the governed—seems a rather boring philosophy. It's all negative, a bunch of "thou shalt nots." Thou shalt not censor the press. Thou shalt not require or restrict religion. Thou shalt not deprive individuals of the right to own, transfer, or use property. Thou shalt not dictate on what goods or pursuits they shall spend their time or money. Thou shalt not forbid *Playboy* or the Roman Catholic church.

For ideological warriors long accustomed to struggle, a world in which such rights restrict the realm of politics seems almost empty of meaning. Charles Krauthammer, a thoughtful and serious man, predicts that democracy (by which he means liberalism, not mere elections) will soon disillusion the Eastern Europeans who now rejoice in it: "The fruit of victory is bourgeois democracy—the most free, most humane, most decent political system ever invented by man, and the most banal. Dying for it is far more ennobling than living it. Liberated Europe is just getting to the living part."

Krauthammer is profoundly right and profoundly wrong. He understands that liberalism, unlike the socialism it is replacing, is not a utopian creed. It does not promise a perfect world (much to the dissatisfaction of Tom Wicker, among others) or a perfected humanity. Nor does it strive to make public life meaningful. It leaves the search for meaning to the individual, not the body politic.

But Krauthammer projects the angst of Western intellectuals onto the newly freed people of Eastern Europe. The struggle against communism, these intellectuals believe, has lent meaning not only to their own lives but to the otherwise ordinary lives of ordinary people. We have, since the end of World War II, participated in a grand and communal crusade against an enemy of great evil. (The war itself marked an earlier crusade of similar proportions.) Now that the struggle appears to be over, they fear the meaning has gone out of our common life.

But for the people of Eastern Europe, socialism was not the grand enemy of an epic struggle. It was everyday life, stultifying or terrifying but certainly not uplifting.

To quote an old Czechoslovakian joke: An American correspondent arrives in Czechoslovakia. The first thing he sees is a giant streamer proclaiming EVERYBODY IS HAPPY IN PEOPLE'S DEMOCRATIC CZECHOSLOVAKIA. Amazed, he buttonholes a little man and asks him to explain the secret of the Czechs' happiness.

"Well, you see, it's like this," says the man. "I come home after 10 hours' work and switch on the light, and I am happy they haven't cut the power today. Then I go to wash myself, and I am happy the water is running. Then there is a knock at the door. It's the secret police. They ask, 'Are you Comrade Novák?' And I say, 'No, Comrade Novák lives in the apartment above me,' and, boy, am I happy that I am not Comrade Novák!"

The romance of the struggle is mainly in the eye of the distant beholder, safely ensconced in the prosperous, capitalist

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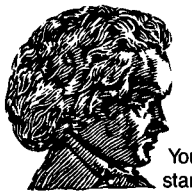

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West. The people of the East were not looking for nobility when they took to the streets. They were looking for freedom.

That freedom includes the freedom to be ordinary—to live and love, raise families and go to work, study physics and write poetry, play basketball and watch sitcoms, grow flowers and lie in the sun, read novels and buy new clothes—to do all the things that people choose to do when they are left alone to choose. Not all these things are transcendent. In fact, most of them aren't.

We are material creatures who spend much of our lives on material pursuits (even building a cathedral or writing a novel requires stone and mortar or paper and ink). Too many of freedom's defenders are uncomfortable with earthbound humanity. They are afraid the stuff that dreams are made of can be had too easily at K Mart or Bloomingdale's. They find those dreams banal.

But human life and human longings are precious. And, contrary to the caricature of liberal capitalism retailed on the nation's opinion pages, those longings include more than the desire for blue jeans and consumer electronics. Man does not, in fact, live by bread alone—at least when allowed to choose how to live. Religion, art, and science flourish best in a free society.

True, freedom does not afford much opportunity for grand gestures. It has little room for martyrs. But life is not supposed to be about dying well. It is about living well.

And liberalism, for its part, is all about protecting the freedom to live life without grand gestures. It gives people the chance to be good without being heroic. It creates space for individuals to find meaning *outside* the common good.

That intelligent people can find the ordinary lives of men and women meaningless without the greater context of ideological struggle is some measure of the price that struggle has exacted. We have much rebuilding to do. ■

RUMORS OF WAR

CHARLES OLIVER

As recently as last October, the official Pentagon view was that "Noriega is not worth one U.S. soldier's life." Two months later, in the largest military operation since the Vietnam war, the United States invaded Panama and toppled Noriega. And as the military forced its way into Panama, it also entered the war on drugs.

The military wasn't forced into Panama by George Bush. Far from it. Press accounts report that Joint Chiefs of Staff Chairman Gen. Colin Powell and Gen. Maxwell Thurman, the U.S. commander in Panama, were two of the loudest voices urging military action against Noreiga.

Bush and his spokesmen claim that the invasion was necessary; there was no other alternative. They may be right. Americans in Panama had been threatened, a Marine lieutenant killed. Noriega had declared war against the United States, and the Panama Canal may have been in danger.

But how did we arrive at this situation? Noriega had long been an ally of the United States. Reportedly, he was even on the payroll of the CIA. What turned him against us (and us against him)?

The answer, in a nutshell, is drugs.

For years, Noriega allegedly allowed Colombian drug dealers to use Panamanian air strips as refueling stops on their trips to the United States. And Panamanian banks laundered much of the money the Colombians earned in the drug trade. Noriega's U.S. backers apparently were willing to look the other way; the intelligence he provided on other Latin American leaders was considered very valuable. Even protests by the Panamanian people didn't hurt Noriega's friendship with Washington.

But as America's drug war heated up, Noriega became a target too large to ignore. In February 1988, a federal grand jury in Miami indicted him on drug and racketeering charges. Noriega's once close relationship with the United States quickly deteriorated. The U.S. government used economic sanctions and diplomatic pressure to try to force Noriega to leave Panama, but he would have none of it. Finally, the military was sent in to find and arrest him. And the Bush administration quickly cited the drug indictments as justification.

The invasion of Panama marked a dramatic turn toward a more active role for the military in the battle against drug dealers. But while polls show strong support for the antidrug crusade, even its most ardent participants should think carefully about extending the Panamanian precedent. The results could be disastrous.

Initially, the Pentagon didn't want to enter the battle against drugs, feeling that doing so would divert it from its real mission of defending the United States from military attacks. But as political changes in Eastern Europe caused many people to question the need for a large military, the Pentagon reconsidered its position. Just a few days after Defense Secretary Dick Cheney said that he would scale back defense spending, the Pentagon said that it would like to play a larger role in the war on drugs. Coincidence? No.

Now, some Pentagon officials may honestly think that the Cold War isn't really over and that cuts in defense are ill-advised. However, few members of Congress seem to buy that argument. The military may think: "No one takes the Russians seriously anymore, but everyone thinks drugs are a major problem, so if we say we want to fight drugs, we can justify our large budget as part of the cost of battling drugs. But really our eyes will be on Russia." Of course, military commanders may just enjoy their big budgets, and find joining the drug war is the best way to keep them.

But the Pentagon was right the first

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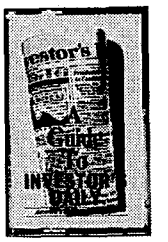

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time. It has no business in the drug war. The role of the military is to defend us from foreign aggression, and fighting the drug war only detracts from that mission. If the Navy is out trying to intercept Colombian drug smugglers, if the Air Force is monitoring private-plane flights into the United States, and the Marines are off arresting drug kingpins, who *is* going to defend us from the Soviet Union, Libya, Iran, or any other country that may really threaten us?

And what will we do when drug money corrupts the military? We have seen DEA agents, police officers, and, in Latin America, entire governments bought by drug dealers. If the military is used in the drug war, then drug dealers will certainly try to bribe our service personnel, too. I have faith that most of our soldiers are incorruptible, but the drug dealers will eventually find those who aren't. Before the first officer takes his or her first bribe, we should put an end to this folly and get the military out of the drug war. ◼

FLIP-FLOP WITH A TWIST

JACOB SULLUM

It's been more than half a year since the *Webster* decision, and the politicians are still scrambling for the fence. In Ohio, for example, Democratic Attorney General Anthony Celebrezze, Jr., has abandoned his career-long pro-life position just in time to run for governor.

Celebrezze's rationale is familiar: Personally, he believes abortion is immoral, but he has decided that government policy should not be based on that view. This formula, especially useful to Catholic Democrats, has been around for quite a while. The Supreme Court's decision to allow greater state regulation of abortions has enhanced both its popularity and its significance. Unfortunately for Celebrezze and the other candidates who have adopted a similar strategy, the position does not bear close scrutiny.

"I think it's wrong, but..." is a perfectly valid stance on gambling, drinking, prostitution, or any other activity that does not involve harm to others. But the crux of the abortion issue is whether the practice amounts to killing a human being—whether a fetus has the same right to life as a person. If abortion is "wrong," it is wrong for this reason. So a Celebrezze (or a Gephardt or a Giuliani) who believes abortion is wrong, yet declines to "impose his view" on the general population, cannot be taken seriously. Indeed, it is not even clear what he means, unless it's that he's *unsure* whether abortion constitutes homicide and doesn't want to require others to err on the side of caution.

Such uncertainty does not afflict Boston University President John Silber, who tries to lend some respectability to this fundamentally inconsistent position in a recent *New York Times* piece. Silber makes it clear that he considers abortion the taking of a human life, morally unacceptable in almost all cases. But he adds that the law should not adopt this view, because the American people are divided on the issue.

Given Silber's belief that abortion is homicide, his deference to public opinion is hard to understand. Why should the lack of a clear consensus affect his view of what the law *ought to be*? To cite a favorite analogy of the pro-life movement, should abolitionists have hesitated in their efforts to outlaw slavery because so many people disagreed with them?

On the face of it, pro-life extremists are more consistent. They insist that abortion is murder and that the state therefore has a responsibility to stop it. But it's pretty clear that these activists do not believe their own rhetoric. If they truly viewed abortion clinics as "death camps" where innocent people are routinely killed, they would not simply protest. They would feel obligated to use virtually any means, including armed intervention, to stop the slaughter.

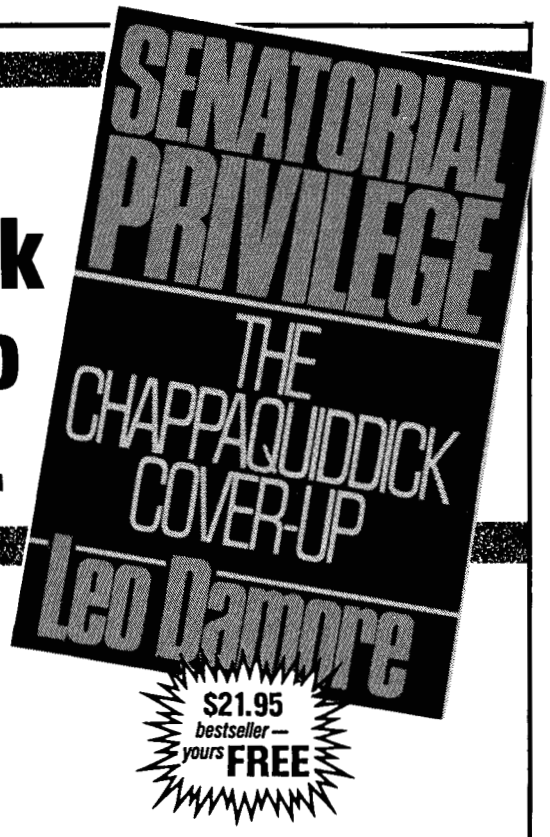
Neither do pro-choice extremists have the courage of their convictions. In a recent issue of the secular-humanist journal *Free Inquiry*, for example, Tom Flynn defends abortion on demand by arguing that fetuses have yet to meet "the criteria for personhood," which include language capability and self-awareness. Flynn notes that this standard would also allow infanticide, yet he inexplicably restricts parents to killing babies with severe birth defects. Unwilling to advocate "infanticide on demand," he declines to apply his own standard of personhood and thereby undermines his argument.

Back to the muddled middle? Not quite. There is a consistent, principled approach to abortion that has the added virtue of practicality. It begins with the recognition that the issue of when rights exist is quintessentially a government concern. Any definition of when a fetus acquires a right to life will be somewhat arbitrary. But so is the legal standard determining when a child acquires the rights of an adult, yet few of us would reject such a necessary distinction.

Several proposed dividing lines for personhood hover around 20 weeks after conception. (See "Reconsidering Roe," Editorials, May 1989.) Such a limit would allow the vast majority of currently performed abortions. But more important than the precise location of the line is its meaning. Once a fetus is considered an individual with legally enforceable rights, abortion can be permitted only to protect the mother's life. Prior to that point, the government has no business interfering, the only relevant right being that of a woman to choose whether to continue her pregnancy.

In deciding where to draw the line, our legislators and governors should be expected to consult their consciences. It's hard to know what to make of candidates who declare that they won't. Politicians have the luxury of waffling. The laws they make must be explicit. ◼

Despite a media brownout, this book fought its way onto the bestseller lists.



And when you read what it reveals about Teddy and Chappaquiddick, you'll see why.

Ray Kerrison explains it all in his *New York Post* column:

"The biggest surprise — and scandal — of the publishing season is the public's extraordinary demand for a book exposing Sen. Edward Kennedy's fatal escapade at Chappaquiddick, despite a review blackout by the nation's media giants.

This book is titled *Senatorial Privilege: The Chappaquiddick Cover-Up* (Regnery Gateway, $21.95). Written by Leo Damore, it made the *New York Times* non-fiction best-seller list yesterday for the eighth straight week.

Yet the . . . *Washington Post, Los Angeles Times, Boston Globe, Time* and *Newsweek* have all boycotted it.

The media blackout is all the more suspicious because Damore's account is a meticulous examination of what happened at the bridge and the aftermath. It was written with the cooperation of Joseph Gargan, a Kennedy cousin, who was involved in the nightmare. . . .

Damore's book leaves no doubt that: a) Kennedy left the party for a romantic interlude; b) he was drunk; c) he drove off the bridge at considerable speed; and d) his license had expired five months earlier.

It discloses how Ted Sorenson, President John F. Kennedy's speechwriter, drafted Sen. Kennedy's fictitious explanation of the tragedy for a national TV audience."

People Magazine shares the enthusiasm:

"An achievement of reportorial diligence, this book tells a story that the most imaginative crime novelist would have been hard put to invent. It is a tale of death, intrigue, obstruction of justice, corruption and politics. It is also one view of why Sen. Edward M. Kennedy was never indicted in connection with Mary Jo Kopechne's death . . . readers will find it hard to put down."

Adds the **Wall Street Journal**:

"Absorbing and definitive account . . . Damore . . . is a disciplined and relentless writer who makes his case more devastating because he never steps back and editorializes. Each falsehood, blunder and evasion is in tight focus. . ."

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LETTERS

Reaping Controversy

What bothers me most about Karl Zinsmeister's article on farming ("Technology, Ecology, and the American Farmer," Dec.) is not just his apparent dislike of traditional ("hidebound," "atavistic") farmers and farm methods, but that he has apparently bought the entire high-tech-is-better package. It's clear that he is suffering from "technophilia," the unreasoning love of all things technological.

Farm tech is not the boon he makes it out to be. All the advances in production to date (production of lean pork, increased feed conversion ratios in chickens, improved milking averages) are the result of a simple act of selection on the farmer's part—breeding from his fastest-gaining, highest-producing animals. This is not high tech; it's a technique known since pre-Roman days.

The rest of the tech "improvements" on the horizon—embryo transplants, BST, lots and lots of artificial insemination—are just so much biological dabbling. Really folks, the world is *drowning* in milk. It ends up in federal giveaways at home and abroad; the Danes ship their excess to us every Christmas in those omnipresent butter cookies. There simply isn't any need for more via BST. You want lean beef? You don't need gene transfer, etc., to get it—you only need a Texas Longhorn herd sire!

High tech is just one more of those lovely ways to take agriculture out of the hands of farmers and put it under bureaucrats. For instance, who decides which dairies get BST? Is it by lottery? Or will anyone be able to purchase it down at the feed store in half-gallon jugs?

In a farm economy that is scarcely market-driven, the forces that should bring about change (i.e., consumer demand) are simply not given enough sway. The best thing in the world for all of us farming families—and consumers—is not more technology, it's fewer federal ag supports. Federal meddling of the past, and the threat of laboratory meddling of the future, is not the way to go.

Anita Evangelista
Peace Valley, MO

KARL ZINSMEISTER REVEALS the great disparity between the two basic views of the future of our natural resources. Prevalent among environmentalists and natural-resource bureaucrats today is the view of natural resources as inherently static, fragile, and if touched by man, destined to degradation and decline. From this vantage, damage control and limiting human activity to slow the march toward ecological catastrophe seem the only answers. The very ideas of progress, technological development, and economic growth are disturbing.

The strict preservationist mentality is the driving force in status quo environmentalism and has had powerful and quite often negative ramifications in every field, from wildlife management to federal agricultural policy. Its adherents do not recognize that their policies are often part of the problem and see adjustment, expansion, and creation of new regulations as a logical path to follow.

If, however, one accepts natural resources as dynamic, resilient, and renewable, then progress and technological development hold some of the keys to an enhanced and healthy environment. Innovations like scientifically bred poultry and genetically engineered alfalfa make the future of agriculture bright, both for harvests and the environment.

The American farmer has been led down a path of misguided government policy. Current policies cannot be scrapped overnight, but it is time to halt the misdirected march and allow our

farmers and ranchers to benefit from innovation and respond to markets.

Robert E. Gordon, Jr.
Director
The National Wilderness Institute
Washington, DC

KARL ZINSMEISTER CALLS for fewer subsidies and government interference, implying that all our problems stem from a price support program that has at least stabilized adequate production levels. But other government policies have driven our farmers to accept government assistance in order to survive.

Our farm policies are formulated primarily by those who sell to us—and buy from us. Let me suggest that the politicians, scientists, and academicians who have put men in space and who are so intent now on such new toys as the supercollider might do well to modify their goals.

We are tired of always being told that we must become more efficient and supply the raw food products at prices typical of 20 or 30 years ago. None of our suppliers, tax collectors, or institutional professors are performing at those levels.

We have no bones to pick with the environmentalists. We would welcome biological controls of the various pests that destroy our crops. A farm program that really supports family farming rather than vertical integration and corporate buyouts would be quite welcome. Honest administration of the antitrust laws would enhance our markets and perhaps permit us to gain our income from the market rather than the U.S. Treasury.

DeVon R. Woodland
President
National Farmers Organization
Corning, IA

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Couched in Disagreement

Despite overwhelming evidence accumulated through five decades of postwar research producing tens of thousands of scientific papers and numerous Nobel Prizes, Thomas Szasz ("Psychiatry in the Age of AIDS," Dec.) continues to take the ideological position that mental illness does not exist. He still believes that the extreme and often destructive and painful emotions and behaviors that the medical and research communities accept as mental illness are nothing more than normal expressions of the human condition. Now he is taking advantage of the painful plight of thousands of AIDS victims to flail this ideological dead horse once again.

There is sound scientific evidence documented in both psychological as well as autopsy studies to show that neuropsychiatric pathology accompanies infection with the HIV virus both before the illness develops clinically and certainly during the course of the illness. We also have demonstrated that treating the depression that accompanies AIDS improves patients' moods, as does treating the depression accompanying cancer.

Dr. Szasz, with a belief system founded on ideology rather than science, would deny AIDS victims treatment that can improve both the length and quality of whatever life remains.

Melvin Sabshin, M.D.
Medical Director
American Psychiatric Association
Washington, DC

Disastrous Prescriptions

There are reasons for the "official arrogance" noted in Jacob Sullum's editorial on the disaster relief situation in California ("Disastrous Relief," Jan.). City officials could not let people into their own homes because of the legal liability involved in the event of an accident. One wonders what percentage of the billions put up by the government will end up in the pockets of our legal warriors

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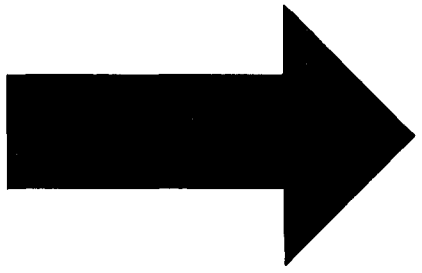

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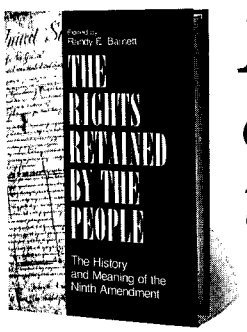

Robert Bork compared it to an inkblot.

Warren Burger couldn't recall what it said. Yet the Ninth Amendment's simple guarantee of rights—"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"—may be the key to the meaning of the entire Constitution, as envisioned by the Framers. 416 pp/$22.95

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LETTERS

and their collection agencies (also known as insurance companies).

Sullum correctly states that insurance companies can reduce losses beforehand by demanding certain preventative measures. Whether they could have prevented some of the highway damage is a dubious proposition, as they would be unlikely to have the necessary technical expertise.

The legal-insurance axis in California is an example of monopolistic power run amok. Giving this group further power seems unattractive. Is a corporate state any improvement over the Stalinist state of the "liberals" or the theocratic state of the Moral Majority?

Ted Parker
Camarillo, CA

Hungry Like the Wolf?

Nobody is trying to kill off Yellowstone wolves; we are simply opposed to their placement there. ("Will the Wolf Survive," Trends, Jan.) Many of us oppose the wolf because his wide-ranging lifestyle gives enviro-cologists excuses to further lock us off our lands because "this is now endangered species habitat." In North America, Europe, and Asia there are over 60,000 wolves, and their population is climbing. The term "endangered" is used as a scare tactic. It is a matter of increasing government controls on public lands and takings of private properties that is the concern.

Dennis Brossman
Lander, WY

WHY WOULD DEFENDERS of Wildlife like Uncle Sugar to administer their program? 'Cause the damned wolves will cost stockmen millions in damages before they're through. Maybe the reason they've only paid two claims is because they've got some tight-fisted folks (with their money) controlling the checkbook. Start the program, then dump it on the feds! Hank Fischer ain't no fool!

Ted Roes
Cody, WY

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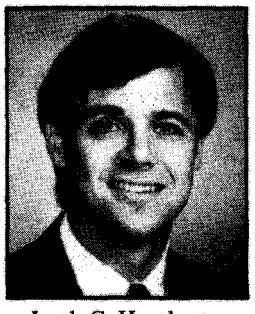
FREEDOM DAILY — APRIL 1990

THE IMMORALITY AND DESTRUCTIVENESS OF THE WAR ON DRUGS


Jacob G. Hornberger

Richard M. Ebeling

Thomas Szasz

Milton Friedman

"The U.S. Government — Guilty as Charged"
By Jacob G. Hornberger, Founder and President, Future of Freedom Foundation

"The Economics of the Drug War"
By Richard M. Ebeling, Ludwig von Mises Professor of Economics, Hillsdale College, and Academic Vice-President, Future of Freedom Foundation

"The Morality of Drug Controls"
By Thomas Szasz, Professor of Psychiatry, State University of New York, Syracuse

"An Open Letter to Bill Bennett"
By Milton Friedman, Nobel Laureate and Senior Research Fellow, Hoover Institution

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NEXT MONTH: The Immorality and Destructiveness of the War on Panama

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Little Big Brothers

If imitation is the sincerest form of flattery, federal drug warriors should be blushing. The latest national campaign against mind-altering substances has inspired state and local authorities to adopt a host of tactics that sacrifice individual liberties on the altar of unpolluted bodily fluids.

Several cities have enacted antiloitering ordinances aimed at disrupting drug trafficking and gang activity. In Washington, D.C., for example, police have the authority to arrest people who gather in groups of two or more for "failure to move on," a misdemeanor. Kalamazoo, Michigan, has a similar ordinance. "We don't feel there is a constitutional right to associate with drug dealers," the city attorney explains.

Similarly, local authorities have attacked freedom of association by enforcing laws against belonging to gangs. Police in Los Angeles County have sent notices to 500 gang members, warning them that they can be prosecuted under a state antiterrorism law. Gang membership is also illegal under a new ordinance in Seminole County, Florida.

Elsewhere in the Sunshine State, Volusia County Sheriff Robert L. Vogel, Jr., has made a name for himself through his creative interpretation of probable cause. He has posted highway signs warning of a fictitious drug search and then stopped vehicles that slowed down or turned around to avoid inspection. He also regularly stops and searches without warrants cars driven by people who fit his "drug-courier profile." His deputies confiscate as possible evidence any large amounts of cash they find, whether or not they discover any drugs.

Seizures are not confined to the property of suspected drug couriers. Following the federal example, police confiscate property when it can be connected in any way to drug crimes. In Detroit, for example, police seized $4,834 from a grocery store after dogs detected traces of cocaine on three $1.00 bills in a cash register.

In Boston, police have conducted sweeps of predominately black neighborhoods in which they stop, frisk, and sometimes strip-search "known gang members" and their companions. "A tacit understanding exists in the Boston Police Department that constitutionally impermissible searches will not only be countenanced but applauded in the Roxbury area," State Superior Court Judge Cortland Mathers said last September, suppressing the use of evidence seized in an illegal search.

Finally, an incident in Hudson, New Hampshire, last summer chillingly illustrated the true nature of the war on drugs. Using a search warrant based on a 20-month-old tip, police raided the apartment of Bruce Lavole, a 34-year-old machinist, at 5 A.M. on August 3. Having no reason to suspect that Lavole was armed, they entered the apartment unannounced, smashing down the door with a battering ram. When Lavole rose from his bed to fend off the intruders, the police shot him dead while his son watched. The search yielded a marijuana cigarette.

—Jacob Sullum

It's a Man's, Man's, Man's World

A 1989 survey found that 6 of the 10 countries with the highest percentages of women in their national parliaments were Communist-ruled states. Of course, Communist leaders would argue that this shows how progressive they are. But more likely, it just shows that if the people who really run these countries have a few figurehead positions to fill, they'll give some to the girls. With reforms sweeping through the East Bloc, we can expect an end to such affirmative action.

Nations with the Highest Percentages of Women in Parliament

Country	Percentage
Sweden	38.1
Romania	34.4
Norway	34.4
Cuba	33.9
East Germany	32.2
Finland	31.5
Denmark	30.7
Czechoslovakia	29.5
Albania	28.0
Mongolia	24.9

Source: Inter-Parliamentary Union

Greenbacks for the Greenhouse?

Optimistic estimates place it at around 17 percent of U.S. GNP. More pessimistic forecasts say it could cost nearly five times that much.

The scientific jury is still out on the dangers posed by global warming. The *New York Times* reports that fewer than 300 climatologists and environmental scientists have conducted research on the greenhouse effect; only a handful of them are concerned enough to recommend actions to slow global warming. But they all concede one thing: The cost of slowing the man-made accumulation of greenhouse gases could be staggering. (See "Learning to Live with the Greenhouse Effect," Jan.)

Pessimistic climatologists claim that to prevent further climatic disruptions, carbon dioxide emissions would have to fall 20 percent by the year 2100. Alan S. Manne of Stanford University and Richard G. Richels of the Electric Power Research Institute estimate the global costs of these reductions to be anywhere from $800 billion to $3.6 trillion. The *Times* reports that a forthcoming Congressional Budget Office report will place the cost of simply stabilizing greenhouse gas production in the United States at nearly 2 percent of GNP annually by the middle of the next century.

Thomas Schelling, an economist at Harvard's Kennedy School of Government, believes that in the United States, "the first 10 to 15 percent [of carbon emission reductions] wouldn't cost much. It would get pretty costly after that." The early reductions might come

from improving automotive gasoline mileage, adding insulation to homes and offices, and increasing refrigeration efficiency or ending the use of chlorofluorocarbons (CFCs).

Skeptics counter that these proposals would be much more expensive. Smaller, fuel-efficient cars are less crashworthy and would cause more traffic deaths; and if global warming is for real, until a substitute for CFCs emerges, there will be more, not less, pressure to use CFCs for air conditioning and refrigeration.

Additionally, other nations may not be likely to reduce fossil fuel usage. Western Europeans already drive fuel-efficient cars, and some East Bloc citizens already can't heat their homes above 40 degrees. And developing countries, especially those with healthy supplies of fossil fuels, are resistant to draconian environmental policies that would limit their economic growth. Greenhouse skeptics warn that we should not unilaterally adopt policies that penalize the United States while other nations ignore them.

Skeptics, and even some believers, also caution against using computer models to dictate policy. Models can't anticipate technological advances, and these changes could make government actions superfluous. Inventors are developing motor vehicles powered by everything from rechargeable batteries to vegetable oil. Schelling suggests that breakthroughs in nuclear power generation could lead to clean nuclear plants that would replace fossil fuel-powered electric generators, further reducing carbon emissions.

Except for a small group of alarmists, all the global warming watchers offer a similar message: Before getting too upset about global warming, remember that there are more immediate concerns. Schelling says, "If I were advising Mikhail Gorbachev, I would tell him: Forget the greenhouse effect. Get your economy working first."

—Rick Henderson

The Money Pits

As the recent scandals at the Department of Housing and Urban Development show, the amount of waste, fraud, and abuse in the federal government remains constant from administration to administration. But far more common than theft or bribery are the billions of tax dollars that disappear simply because government accountants have no idea how the money is spent.

Recently the Office of Management and Budget compiled a list of 76 "high-risk areas" in the federal government which they believe might be sources for future scandals. The list, released by Sen. John Glenn (D–Ohio), reveals that:

- The Department of Agriculture has no idea where $609 million worth of food stamps are or who is using them.
- "Inadequate controls" on contractors in the Department of Defense mean that these contractors may easily be able to steal $56.5 billion worth of government property in their possession.
- The Environmental Protection Agency's accounts don't balance 40 percent of the time, and other financial controls (particularly in the Superfund cleanup program) are "often inaccurate and unreliable."
- HUD doesn't know who gets federal housing subsidies or whether all recipients qualify to receive these benefits. In addition, many of the people getting mortgages from HUD to purchase single-family homes are "actively trying to defraud the government." OMB believes that most of the $2 billion lost by this loan program in fiscal year 1988 "was attributable to program fraud and abuse."
- The Department of Education doesn't know whether the billions it spends on aid to disadvantaged students in fact goes to poor people.

The General Accounting Office has also prepared a list of government waste. According to the GAO, "inadequate financial controls" assured losses (most of which were pure waste) of $10 billion to $20 billion in foreign military sales; $12 billion from the Commodity Credit Corp.; $6 billion at the Export-Import Bank; and $4 billion in the Department of Veterans Affairs.

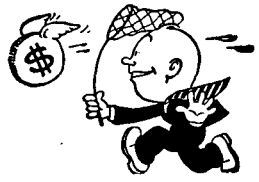
—Martin Morse Wooster

BALANCE SHEET

Assets

Raging Bill. Drug legalization begins to get serious attention from the mainstream news media. A federal judge, a member of Congress, and a former secretary of state join the distinguished list of legalization advocates. As "Failures Spur Debate" (*New York Times*) and "Interest Rises in Prestigious Circles" (*Los Angeles Times*), Bennett's belligerent, dismissive attitude looks increasingly silly.

The Real Thing? The Polish government decides it will allow prices to float free and enterprises to go bankrupt. Czechoslovakia's "communist" prime minister, Marian Calfa, seems to be brushing up on Adam Smith. The free market, he notes, "gives every individual the opportunity to follow his own interests and, at the same time, benefit all others." Calfa's finance minister, by the way, calls himself "the Milton Friedman of Czechoslovakia."



Jack Be Frugal. Kemp refuses to spend $91.7 million in HUD money that members of Congress tried to earmark for pet projects in their districts. The secretary expresses outrage at the traditional practice of larding the budget with unnecessary expenditures that the administration never requested. Maybe he belongs at the Defense Department.

Heating Up. Scientific disagreement about the greenhouse effect receives in-depth coverage. Reports on television and in leading newspapers reveal that the outlook is far more complicated than the popular conception and that predictions of climate warming and sea-level rises are so uncertain that most experts are awaiting further evidence before taking a stand. Professional alarmists would do well to follow their example.

Liabilities

Handle with Care. Naive observers might be shocked by the duplicity of U.S. policy toward China. Come on, say the advocates of Kissingerite realpolitik. After all, when President Bush banned high-level meetings with Chinese officials to express outrage at the Tiananmen Square massacre, you didn't really think he *meant* it?

Degrading Debate. "Don't get Glad, get mad!" environmentalists urge consumers. The activists are perturbed by "degradable" garbage bags that decay only when exposed to the elements, not when buried in landfills. The manufacturers say they're only responding to consumer demand created by...guess who?

Oxymoron. *Market* socialism? Market *socialism*? What the hell is market socialism? Well—in the Soviet Union, at least—it's not private property or prices determined by supply and demand. Prime Minister Nikolai I. Ryzhkov explains the need for continued central planning: "We have to leave free to the market only that part of production that would not lead to unbalancing the economy." Thanks for clearing that up.

Reagan Residue. Deregulation competes with the federal deficit and a right-wing judiciary for the title of "the Reagan administration's worst legacy." As evidence of the evil caused by getting government off the backs of the people, the *New York Times* cites the S&L fiasco and the HUD scandals—both products of too much government, not too little. Oh, well. There are other nominees for Worst Legacy. George Bush, for instance.

—Jacob Sullum

A Taxing Suggestion

Twelve years after it was approved by California voters, Proposition 13, the initiative that inspired a nationwide tax revolt, is facing its toughest legal battle yet. Three separate lawsuits charge that Prop 13 is unduly discriminatory and therefore unconstitutional.

Proposition 13 rolled back California property tax rates and froze property assessments at 1976 levels. The plan was to give longtime property owners stable property tax rates. Under Prop 13, a property is reassessed only when it is sold. With land values in California skyrocketing in the last decade, owners of similar properties in the same neighborhood can have vastly different tax bills.

One suit was brought by a Los Angeles County woman who claims that she pays a tax five times greater than that paid by her neighbors. In another suit, R.H. Macy & Co. claims that it has been put at a competitive disadvantage because it must pay a property tax 250 percent greater than that paid by competing department stores in the same area.

As the trials in these cases begin, no politician or prominent lobbying group has come out in favor of repealing Prop 13. "There is simply not a constituency out there to change Proposition 13," says Assembly Revenue and Taxation Committee Chairman Johan Kleh.

Prop 13's supporters say that a little economic analysis shows that the law isn't as discriminatory as the suits claim. In a letter to the *Los Angeles Times*, Pepperdine University economist Gary Galles wrote, "The new property taxes that will be due upon sale are perfectly predictable to both parties involved, and those future taxes are capitalized into lower [than otherwise] sales prices....Since the buyer is compensated for the increased property tax liability in the sales price he is no worse off as a result of the reassessment on sale provision of Prop 13. Since he is no worse off, there is no violation of his equal protection rights, and the basis for the court challenges disappears."

—Charles Oliver

Who was Felix Morley, and why is the Institute for Humane Studies awarding $7,500 in his honor?

Felix Morley was editor of the *Washington Post* from 1933 to 1944 and a winner of the Pulitzer Prize for distinguished editorial writing. In the *Post* and in subsequent writing, at the height of the New Deal and postwar anti-Communism, Morley emphasized private property, voluntarism, and a noninterventionist foreign policy.

The Institute for Humane Studies is pleased to announce the fourth annual Felix Morley Memorial Writing Competition. IHS will award

First Prize: $2,500
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to outstanding young writers whose work demonstrates an appreciation of free enterprise and individual liberty. In addition, five runner-up prizes of $500 will be awarded.

Applicants must be 25 years old or younger as of June 15, 1990. Judging will be based on three to five pieces published between January 1, 1989, and June 15, 1990, and may include reported articles, editorials, opinion pieces, essays, criticism, or short stories.

The Morley competition is judged by a distinguished panel of 32 journalists, editors, novelists, and academics. Prizes are awarded based on the writing ability, potential for development, and appreciation of liberty demonstrated in the submitted material.

Application Deadline: June 15, 1990

Requests for application forms and completed applications with clippings should be submitted to: Morley Prize Secretary, Institute for Humane Studies, George Mason University, 4400 University Drive, Fairfax, VA, 22030-4444.

BRICKBATS

In the 1970s, rocker Charlie Daniels spoke for redneck hippies everywhere when he crooned, "Some people think I'm no good and crazy as a loon, 'cause I get drunk in the morning, I get stoned in the afternoon....If you don't like the way I'm living, you just leave this long-haired country boy alone." But these days Charlie's traded rock for country, and his latest single, "Simple Man," complains about "panty-waisted" judges who let drug dealers off on technicalities. Charlie tells us the solution is "a tall tree and a long piece of rope," but it's not clear whether he wants to string up the drug dealers or the judges. What's next, Sammy Hagar pontificating on the sanctity of speed limits?

"AND THEY SAID WE COULDN'T WIN THE WAR ON DRUGS!"

These days Charles Keating, Jr., is in the headlines as the man who bankrupted Lincoln Savings & Loan and left taxpayers with a $2-billion bailout tab. But Keating first gained fame as the only member of the 1970 presidential commission on pornography who wouldn't sign a report saying the government shouldn't restrict erotic materials. Later, he founded the antiporn group Citizens for Decency Through Law and went after dial-a-porn services, X-rated videos, and *Playboy* magazine. I guess Keating didn't want anyone to see pictures of people doing to each other what he was doing to taxpayers.

Speaking of pornography, the Chinese government recently ended an antiporn campaign that netted 30 million books and magazines. The government asked school children to bring in at least one dirty book or magazine each. (During an earlier campaign against rats, children had to bring in one dead rat apiece.) Of course, many homes didn't have any pornography, so some kids had to go out and buy it. Prices skyrocketed, but porn dealers still couldn't keep up with the demand. I don't remember show-and-tell being this interesting when I was in school.

Romanian President Nicolae Ceausescu didn't want his countrymen to turn in dirty books, but he was picky about what they called him. Among the approved nicknames were: "father and friend of the young people," "the sweet kiss of the land," "the sacred oak of Romania's glory," "the mountain that protects the country," and "a well of living water." His close friends could refer to him as simply "the truth itself." The challenge was fitting all that on a tombstone.

If this Panama invasion thing doesn't put his wimp image behind him once and for all, George Bush can really show that he's macho by punching out Don Knotts.

Dislike trucks and property rights? Into nosy neighbors and power mad politicians? Then Flossmoor, Illinois, is the home you're looking for. City fathers there think that pickup trucks are unsightly. They can't stand to see one parked along the curb or in someone's driveway. So they've passed a law requiring trucks to be parked only in garages. Anyone caught with a truck outside his garage will be fined.

That loudmouthed rube from Atlanta is at it again. Ted Turner, who brought Slim Whitman and Boxcar Willie into every home in America, has 10 rules he wants us all to live by. This from the man who once destroyed a reporter's tape recorder when he didn't like the way an interview was going and who reportedly kicked traveling companion Liz Wickersham in the shins during an argument. Among the recommended pledges: "I reject the use of force, particularly military force"; and "I love and respect the planet Earth and all living things hereon, especially my fellow species, mankind." And no more guaranteed contracts for Ken Oberkfell, either. Right Ted?

—Charles Oliver

H.L. Mencken's "Secret" Diary Now Revealed!

EDITED BY CHARLES A. FECHER

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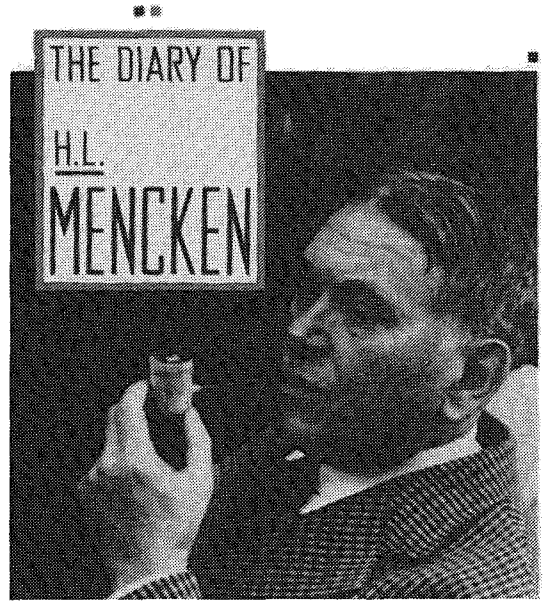

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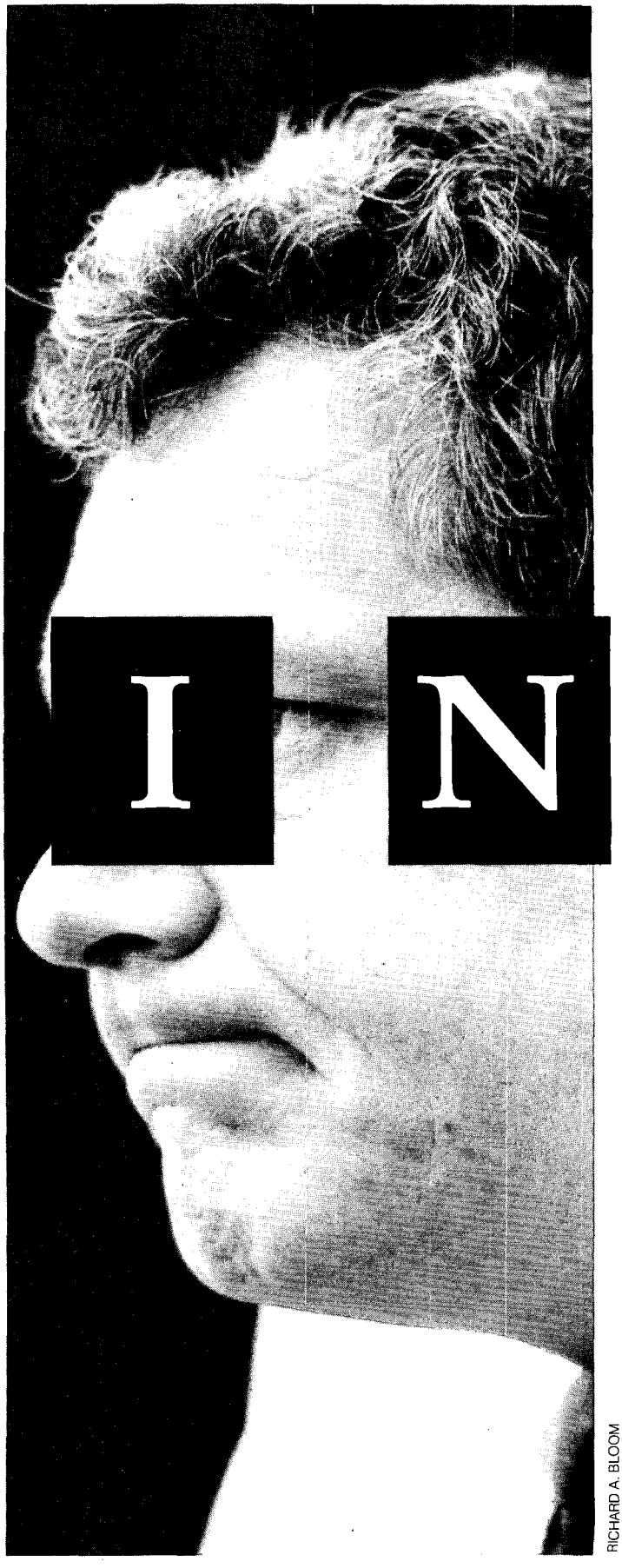
In His Heart, He Knows He's Ambivalent.

BY JACOB SULLUM

BILL BENNETT'S BLIN



RICHARD A. BLOOM

Certainly he has given us cause for alarm. During his confirmation hearings last winter, he suggested that the war on drugs might require the suspension of constitutional rights and the use of the military for law enforcement. On a radio talk show last summer, he said beheading drug dealers would be "morally plausible." He has vowed to bring the drug war home to casual users by taking away their driver's licenses, seizing their cars, and throwing them in jail.

America's drug czar is deadly serious, and he is not going away. It seems we ought to get to know him better. So who is William Bennett, and why does he care if you smoke a little pot after a hard day at work?

The answer to the first question suggests why the second one is worth asking, for Bennett is not merely an authoritarian. As a philosophy student, he explicitly rejected unthinking obedience to the law. Indeed, one of his instructors at Harvard Law School recalls Bennett's views as basically libertarian. And although lately he has depicted people as powerless to resist the lure of drugs, as secretary of education Bennett emphasized the efficacy of the individual.

By all accounts, the former philosophy professor is a thoughtful, intelligent person. And, although he has presidential ambitions, he is not simply a political opportunist. He

seems genuinely to believe that drug use is both immoral and a serious threat to society.

Bennett refused to grant REASON an interview for this article, but his public remarks suggest that he objects to drugs—the illegal ones, that is—at a fundamental, philosophical level. In November 1987, when he was secretary of education, he told Douglas Ginsburg to withdraw from consideration for the Supreme Court after word got out that the nominee had smoked marijuana as a professor. Bennett didn't say, "Forget it—you've got no chance of being confirmed now," or, "Geez, haven't you embarrassed the president enough?" By his own account, he informed Ginsburg that smoking pot is "not right."

The attitude that drug use itself is bad, regardless of its consequences, pervades Bennett's first *National Drug Control Strategy*, released last fall. In the chapter on education, he says, "Young people and adults alike must be consistently confronted with the same message: drugs are wrong, they are harmful, and their use will bring certain consequences." He objects to educational programs that merely provide information about the effects of drugs, advocating "a firm moral stand that using drugs is wrong and *should* be resisted." Elsewhere, he calls drug use "a moral problem" and declares, "there is no such thing as innocent drug use."

This position is central to Bennett's vision of the war on drugs. "I remain an ardent defender of our nation's laws against illegal drug use and our nation's attempts to enforce them because I believe drug use is wrong," he wrote in the *Wall Street Journal* last September, responding to Milton Friedman's call for legalization. "A true friend of freedom understands that government has a responsibility to craft and uphold laws that help educate citizens about right and wrong."

The idea that government should instill moral values and promote good character is shared by neoconservative guru Irving Kristol, an enthusiastic paternalist who has had an important influence on Bennett. "You can't have people walking around in a daze and still playing a part in the democratic process," Kristol says. "People on drugs are not capable of being rational."

He adds, "People don't trust themselves. In many ways, people want government to step in and help them discipline themselves....That's one of the proper roles of government." Gee, OK—but how do you decide when government has to step in? "You use your common sense and judgment."

This authoritarian tendency has been apparent, in some form or other, throughout Bennett's career. Yet there is much in his behavior, writings, and public statements that runs counter to it: his insistence on a rational basis for obedience to the law, his admiration of James Madison and Martin Luther King, Jr., his rejection of determinism, his emphasis on individual choice and responsibility, his suspicion of big government, and his condemnation of creeping theocracy.

In many ways, Bennett's career is a study in the tensions between his desire for freedom and his temptation to control, his opposition to the establishment and his feeling that he could do better if the reins were in his hands. Like the conservative movement to which he belongs, Bennett has both libertarian and authoritarian inclinations. And, like the movement, he has largely succumbed to the latter.

Bennett has never been a man who could be summed up in a phrase. Even at Williams College in the early 1960s, he confounded the stereotypes—though he certainly never would have been voted Most Likely to Become Drug Czar. On the one hand, he played on the football team, belonged to a fraternity, and attended his share of beer parties. (So far, no smoking joint has turned up.) According to the *Wall Street Journal*, he acquired the nickname "Ram" after smashing his head through a door to reach his girlfriend, who had locked him out of the room—presumably following an argument. (Perhaps we can look forward to seeing the beefy, 6-foot-2 drug czar use the same technique for raids on crack houses.)

On the other hand, Bennett was a philosophy major, wrote for literary magazines, and played electric guitar in a rock band called Plato and the Guardians. He opposed the Vietnam War and supported the civil rights movement, causes that brought him in close contact with Students for a Democratic Society. He considered joining SDS but decided not to after his brother, Robert, warned him that the move would come back to haunt him. When it was time to choose a graduate school, Bennett sought advice from William Sloane Coffin, the radical minister.

At the University of Texas, where he studied philosophy under John Silber, Bennett stayed away from groups such as SDS but retained his anti-Vietnam and pro-civil-rights convictions. Given his anti-establishment views, Bennett's doctoral dissertation on societal obligation is especially interesting. In that 1970 paper, which he completed while he was studying law at Harvard, Bennett argued that the requirements of law are justified by the goals of preserving the community and protecting its benefits. He used Socrates' submission to the judgment

of Athens as an example of obeying an objectionable command for the sake of preserving order. Because Socrates had enjoyed the benefits provided by the community and had declined to leave Athens, Bennett argued, he incurred a societal obligation to lay down his life.

It is not clear how Bennett, who speaks of King's "A Letter from Birmingham Jail" in the same breath as the Declaration of Independence, would reconcile this notion of societal obligation with the duty to oppose unjust laws. His paper's discussion of resistance to the draft suggests that, in some circumstances, the community and its benefits might best be preserved through disobedience. So the obligation to obey the law can at least be outweighed, if not nullified, by other obligations.

Moreover, despite Bennett's current paternalism, his comments in class at Harvard were marked by an insistence that people have the capacity to make rational choices and must be held accountable for their actions. "My recollections of Bill as a student are that he was very much a libertarian," says Alan Dershowitz, who taught him first-year criminal law. "He certainly always took the view that people are masters of their own destinies."

But Bennett—in retrospect, at least—was already concerned about the effects of drugs. As a proctor in a freshman dormitory, "I was tough on drugs," Bennett boasted in a 1986 speech at the university. He later recalled that some students in the dorm he supervised "used to spend their days toking up and watching soap operas instead of taking advantage of freshman year at Harvard." To Bennett, such behavior was a symbol of moral laxity and educational failure, themes he would later put to effective use as secretary of education. Bennett also saw drug dealers in Cambridge: He pushed the administration to suspend Harvard students who had sold amphetamines and barbituates to local junior high school kids. That experience would be echoed during his years at the Department of Education, when he toured inner-city high schools where drug use was common.

At Harvard, Bennett became increasingly disenchanted with the student left, repelled by its rabid anti-Americanism. John Agresto, a longtime friend who worked with Bennett at the National Endowment for the Humanities, says Bennett's repudiation of '60s radicalism was inevitable. "Although he had romantic left-wing notions, I don't think he had left-wing views," he says. "When he really started thinking about these matters [he recognized that] the left is really full of it." Twenty years later, Bennett still associates tolerance of drug use with the counterculture he rejected.

By the time he was appointed chairman of the National Endowment for the Humanities in 1982, Bennett had become well known within the neoconservative movement, writing for *Commentary* and other publications about the dangers of moral relativism and the need for ethical instruction. At NEH, he cut off the flow of public money to leftist projects and refused to set numerical goals for employing women and minorities—demonstrating that he was a man of principle who wasn't afraid to do things differently.

Indeed, much of Bennett's reputation for effectiveness, as well as the fear he inspires among opponents of the drug war, stems from his willingness to say exactly what he thinks and to take extreme positions, rather than to wax diplomatic. "He's absolutely the most candid person I know," Agresto enthuses. "Here's a person you know you can trust." He adds that, "despite a reputation for shooting from the hip, he really does think through everything he says."

Agresto describes an encounter between Bennett and Mary Futrell, then president of the National Education Association, shortly after Bennett was nominated to be secretary of education. She had come to make peace with Bennett, a critic of the education establishment, and start their relationship with a clean slate. "He said, 'No—you do things that are very wrong; no peace,' " Agresto recalls. "She was shocked."

But shocking opponents into submission works only when they are accustomed to the go-along-to-get-along ways of Washington. When Bennett runs up against opponents as principled and stubborn as he is, he gets frustrated. In response, he often resorts to the bullying tactics of his mentor Silber, a man whom the newsmagazines politely call "acerbic." Last fall, for example, Bennett labeled George Shultz's comments on legalization "really stupid" and testily suggested that the former secretary of state had deliberately obstructed the Reagan administration's drug eradication program. In December, when Robert W. Sweet called for legalization, Bennett said the federal district court judge had "an altered perception of reality." (Get it?) In other public statements, Bennett has called the mere discussion of legalization irresponsible, dangerous, and "morally scandalous."

"My recollections of Bill as a student are that he was very much a libertarian," says Alan Dershowitz, who taught Bennett at Harvard Law School.

He seems irritated by the persistence of legalization advocates. "At a time when national intolerance for drug use is rapidly increasing, the legalization argument is a political anachronism," he says wishfully in his response to Milton Friedman in the *Journal*. "Its recent resurgence is, I trust, only a temporary distraction from the genuine debate on national drug policy." Apparently, the *genuine* debate includes only people who agree with Bennett.

This petulant refusal to consider alternatives may stem from

tensions in Bennett's own thought. Dershowitz suggests that Bennett's attitude toward drugs is inconsistent with his views on individual freedom and responsibility. "Everything Bennett stands for should lead him to at least flirt with decriminalization," he says. "He has deliberately put blinders on."

Yet shortly after taking the drug-policy job, Bennett called Dershowitz, whom he knew favored decriminalization, to ask for advice. "He said he wanted to hear the opinions of all the bright people he knows," says Dershowitz. "I think he was genuine in seeking the best ideas."

He draws some hope from Bennett's integrity and intellectual honesty, which seem to have been impaired by the drug war. Dershowitz imagines that Bennett is troubled by antidrug deceit, even as he practices it: "Sometimes, at 3 o'clock in the morning, he must have a dream that the god of reason comes down and tells him, 'Bill, you know decriminalization is the answer,' and he shouts, 'No, no!' He has to have that nightmare."

Whatever visions may haunt his dreams, Bennett is unlikely to change his policies. As secretary of education, he was far more willing to consider the ill effects of state intervention—yet his desire to use government schools to instill moral character prevailed over his recognition that public education is fundamentally flawed. Bennett frequently deplored the state of the public-school system, and he supported "instruments of choice," such as vouchers and tuition tax credits, recognizing that reform cannot succeed so long as public schools have a captive market. (More recently, he has suggested that if the education reform movement continues to fail, "maybe we should just declare bankruptcy, give the people back their money, and let them start their own schools.")

But as much as he criticized public education, Bennett saw it as a tool that, *in the right hands*, could be used to inculcate moral values. "Everything we know suggests that the vast majority of American children will, for the foreseeable future, go to public schools," he told Phyllis Schlafly's Eagle Forum in 1985. "None of those children should be relegated to a desert of moral relativism while others attend private institutions where solid values are taught."

For Bennett, these solid values come from the "Judeo-Christian ethic," an amalgam that at times seems suspiciously close to secular humanism. In general, Bennett's Judeo-Christianity appears to be synonymous with the moral standards on which most Americans can agree—the Golden Rule, honesty, courage, discipline, etc. A graduate of the same Washington, D.C., Jesuit high school that Pat Buchanan attended, Bennett has called his own degree of religious observance "about average." And to his credit, he has denounced sectarians who would declare the United States a Christian country and teach the divinity of Christ in public schools.

But Bennett believes religion-in-general (whatever that may be) has an important place in public life, as an anchor for civilized behavior and the democratic process. "He is largely a Burkean," Kristol says, cherishing "inherited wisdom." As secretary of education, Bennett called for "voluntary" prayer in public schools and the use of Bible stories to illustrate traditional virtues.

"Bennett is a person who was formed by books," Agresto says. James Madison's writings had a particularly strong influence. As secretary of education, Bennett often referred to Madison in his speeches, and he later named his education-policy think tank after him. Tellingly, Bennett stresses Madison's comments on the need for a virtuous citizenry, rather than his warnings about the abuse of power and the dangers of mingling religion with government. He cites Madison to support his view of the state as a source of moral values.

That view permeates his drug strategy. In the strategy book, Bennett acknowledges the undeniable—that legalization would drastically reduce the kinds of crime and violence currently associated with drugs as well as save billions of dollars that would otherwise be spent on law enforcement. But he predicts that lower prices and wider availability would increase drug use so much that the benefits would be swamped by lost productivity and increases in drug-related accidents and health problems. He also suggests that crime might actually rise overall despite sharply reduced prices, since there would be, in his view, so many more users.

In support of his projection, Bennett cites the dramatic increase in alcohol consumption following the repeal of Prohibition. But is there no important difference between the popular appeal of alcohol and that of crack? Is the law really the only thing stopping people from shooting up heroin? Can't people be expected to consider the dangers of using drugs before breaking out their pipes and hypodermic needles? Whatever his views in law school, Bennett now seems to have very little confidence in the individual's ability to make rational decisions.

"We readily admit that we're uncertain about the consequences of legalization, but we believe that drug use and abuse would increase rapidly," says Daniel Casse, a special assistant to Bennett. Casse complains that no one has yet presented a rigorous cost-benefit analysis of the question. "Legalization as a policy issue is so steeped in uncertainty and risk that I don't think it would be seriously considered for a minute if it were any other issue."

Leaving aside the question of whether such an analysis could ever be performed to the satisfaction of the drug warriors, another question remains: Would it settle the matter? The answer is clearly no.

"I would never suggest that drug policy should be decided purely by cost-benefit analysis," Casse says, explaining there are "moral costs" to be considered. He doesn't mean the moral costs of prohibition—of accidental overdoses, of disease spread by dirty needles, of official corruption, of undermining respect for the law, of innocent bystanders and police officers gunned down in drug battles, of mayhem in Colombia or a

wrecked economy in Peru, of invading privacy and restricting personal decisions, of taking away people's property and freedom because they dared to sell or ingest an unfashionable substance. No, he means the moral costs of using drugs. As Bennett put it last December, "There are certain things that are wrong, and you cannot countenance them, no matter what the cost." Once again: *Drugs are wrong*. No matter how much evidence and argument you muster in support of legalization, you will never have enough. The drug warriors cannot be convinced.

As secretary of education, Bennett preached against determinism and stressed individual responsibility. As drug czar, he emphasizes individual helplessness: People cannot be trusted to make decisions about drugs, because they often make the wrong decisions. And once they are hooked, they can only be freed at public expense, through government coercion—forced treatment and imprisonment.

Of course, Bennett does not do away with choice completely. He is confident that *he* would not run down to the corner grocery store to buy crack if it were available there. And no doubt he would make exceptions for many people who, like him, have been immunized by "Judeo-Christian values," or, alternately, "traditional American virtues." But sadly, in these days of moral relativism, we cannot assume people will have been taught the values that would enable them to resist temptation. Drug laws compensate for the public's lack of discipline while at the same time teaching the lesson that *drugs are wrong*.

Any explanation of how Bennett arrived at this article of faith must account for his distinction between legal and illegal drugs. Silber, who shares Bennett's disdain for advocates of legalization, is especially contemptuous of comparisons between controlled substances and tobacco or alcohol. He is not impressed, for example, by statistics showing that tobacco kills many more people than do all illegal drugs combined, or studies indicating that smokers become addicted far more frequently than do cocaine users and find it harder to quit. The important point, he says, is that smokers lead relatively normal, productive lives, while cocaine addicts are dramatically impaired.

Silber suggests this distinction is important for Bennett, who has a strong commitment to individual fulfillment. Illegal drug use interferes with the ability to be all that you can be, and the government can't allow that. "There's nothing at all wrong with the government of the United States being concerned with individual fulfillment," Silber says.

To bolster the idea that drug use inevitably cripples the user, Bennett misrepresents the facts. In his *National Drug Control Strategy*, he implies that recreational users are rare exceptions, that on the whole drugs simply cause misery. "Drug use takes a number of distinct forms," he says. "There are those who take a given drug just a few times—or only once—and, for whatever reason, never take it again. Others take drugs occasionally, but can and do stop....There may be a small number of people who use drugs regularly—even frequently—but whose lives nevertheless go on for the most part unimpeded. But there remain a large number of Americans whose involvement with drugs develops into a full-fledged addiction."

Based on Bennett's description, you would never guess that the vast majority of users fall into the first three groups; that is, they have no significant problems as a result of taking drugs. This is a fact that Bennett has difficulty accepting, because it belies his certainty that *drugs are wrong*. Consider Bennett's description of the recreational user: "He is likely to have a still-intact family, social, and work life. He is likely still to 'enjoy' his drug for the pleasures it offers." Notice the use of the word *still*, implying that casual use is just a plateau on the descent into addiction hell. Notice, too, the scare quotes around *enjoy*. Drug users, Bennett is saying, do not really enjoy themselves; they only think they do.

Ultimately, Bennett concludes, the fact that recreational users are not suffering makes them a threat, because others are therefore more likely to follow their example! With no evidence to support the assertion, Bennett then feels comfortable declaring that "non-addicted casual and regular use remains a grave issue of national concern."

Bennett's preoccupation with drugs does seem to have clouded his reasoning. During a visit to a Cleveland elementary school last fall, he was forced to deliver his antidrug speech outside after police evacuated the building because of a telephoned bomb threat. "It's a sad thing," Bennett declared in a curious non sequitur. "This is what drugs have done to this country."

There is, of course, a more alarming side to Bennett's obsession. He gave many people a start at his confirmation hearings last March, when he declared, "The Constitution is not a suicide pact....Lincoln did suspend *habeus corpus* rights, and I don't think that was a terrible thing to do." He added that it might be necessary to call on the military to help enforce drug laws. "This war is not for delicate sensibilities," he said. "This is tough stuff." In September, shortly after the release of his strategy book, he seemed to endorse the idea of shooting down planes suspected of carrying drugs into the country. Whoa, Bill—don't you think this war metaphor has gone a little too far?

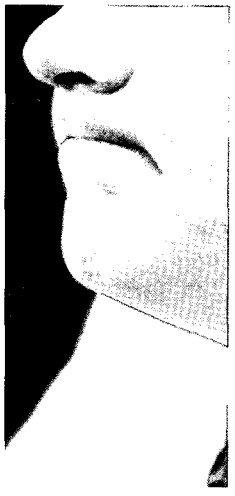
Although not as extreme as many people feared, Bennett's first *National Drug Control Strategy* is chock full of scary ideas. Bennett prescribes "military-style boot camps," which operate in 11 states, for nonviolent drug offenders. He calls for measures to expedite eviction of "known" (but not necessarily convicted) drug dealers from public housing. He advocates coercive drug treatment on the grounds that "too many people who use drugs do not want to be treated." He praises warrantless searches of public housing tenants and their guests. *This war is not for delicate sensibilities.*

Bennett says casual drug users who are employed should face stiff fines and property forfeiture. He recommends publishing their names in newspapers, suspending their driver's licenses, notifying their employers, imprisoning them overnight or on weekends, and seizing the cars they use while

buying drugs. Belying his view that drug use carries its own penalty, he wants to make sure that people suffer for ingesting immoral chemicals. *This is tough stuff.*

The former education secretary also seems to endorse the use of misinformation to scare kids away from drugs. He approvingly cites statistics showing that the percentage of high school seniors who saw a "great risk" in smoking marijuana more than doubled between 1978 and 1988. Apparently, it is good for people to believe lies. To further the propaganda effort, Bennett declares, the television and film industries "must do more."

Bennett urges private employers to require job applicants to undergo drug tests. He endorses IBM's highly intrusive drug policy, which requires some employees to submit to unscheduled tests. Seeking surrogate Big Brothers in the private sector neatly skirts Fourth Amendment issues.



One suspects that, in Bennett's mind, the crucial advantage of the current antidrug campaign is that now *he* is in charge. He will need his ample self-esteem.

Despite his grand plans and a generally favorable legal climate, Bennett's political situation is a bit awkward. Once again, he finds himself in an office that is primarily a bully pulpit. "He's not in charge of the war on drugs in any real sense," Kristol says. "There are many things he would like to do that other agencies" would not agree to.

For example, Bennett pushed for a new intelligence agency to coordinate information on drug trafficking, an idea that was shot down after objections from Attorney General Richard Thornburgh. Kristol adds that Bennett wants to make more use of the military than the Pentagon is likely to approve, and he wants strict penalties for recreational users, something Congress probably won't go for, since it would upset too many constituents.

Of course, members of Congress have been falling all over each other to fund the drug war, giving Bennett the $7.9 billion he requested and throwing in a billion or so more. Eighty-one senators were so dedicated to the cause that they voted last September to eliminate the mass mailing of congressional newsletters and use the savings ($45 million) for the drug war. But the goofiest funding idea so far, proposed by the House Republican Conference and endorsed by Bennett, is to sell $4 billion in Drug War Bonds. I can picture the commercials now: *"Daddy, did you fight in the Drug War?" "No, son, but I invested in it."*

Congress is acting according to the time-honored maxim, "When in doubt, appropriate." But what makes Bennett, the practical, clear-headed conservative, think that he can succeed where so many others, including 11 previous drug czars, have failed? Casse, Bennett's assistant, says his boss's approach is different in two major ways: It stresses coordination among the three dozen federal agencies involved in drug-law enforcement, and it recognizes that "demand-side" and "supply-side" tactics cannot be pursued in isolation.

If coordination is to be measured by the number of committees devoted to it, Bennett is well on his way. To the wide assortment of agencies waging the drug war, the *National Drug Control Strategy* adds coordinating bodies such as the Supply Reduction Working Group (SRWG), the Demand Reduction Working Group (DRWG), Joint Intelligence Collection Centers (JICCs), and the Drug Control Research and Development Committee (DCR&DC). So much for those nasty turf battles that have hampered the antidrug effort for so long.

One suspects that, in Bennett's mind, the crucial advantage of the current antidrug campaign is that now *he* is in charge. Bennett loves a challenge, the opportunity to defy expectations and display his skills. "He's very bright, and I think he thinks there's no job that's too hard for him to do," Dershowitz says. "He has the arrogance and self-confidence that's necessary for a job like this."

Bennett will need his ample self-esteem; his initial reviews have been harsh. In Washington, D.C., the test case for Bennett's plan to aid police in areas of "high-intensity drug trafficking," poor coordination and local opposition to prison construction have hampered federal efforts. Last October Rep. Charles Rangel (D-N.Y.), chairperson of the House Select Committee on Narcotics Abuse and Control, called the program "a colossal failure." In November, Rep. Charles Schumer (D-N.Y.) said the Bush administration's drug war has been "a lot of talk, a lot of hype, a lot of klieg lights, but very little product."

Then again, Bennett had a positive image when he left the Department of Education, but no one can say that the public schools are any better for his efforts. The results didn't matter, because everybody knows the secretary of education has little real power. The same is true of Bennett's current position.

"It doesn't matter if you solve the drug problem," Dershowitz says. "All you have to do is fight the good fight. I think [Bennett] will come off with a battle star with ribbons." Certainly his service as drug czar should solidify the 46-year-old former Democrat's position as a leading figure of the Republican right.

In 1988 Bennett told *Time* the only elective office he was interested in was the presidency. "He's thought seriously about running for office," Agresto says. "I think he'd make a superb, fantastic president." No doubt Bennett agrees. ■

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RICO. THE VERY WORD CONJURES UP GHOSTS of gangsters fighting to control the streets. Edward G. Robinson's character in *Little Caesar* was named Rico. It would seem, then, that RICO is an apt acronym for the Racketeer Influenced and Corrupt Organizations law. But an examination of RICO prosecutions reveals otherwise.

Intended as a weapon against organized crime, RICO has instead been turned against labor unions, abortion protesters, and investment firms. According to an American Bar Association study, more than 90 percent of the private civil cases alleging RICO violations are not brought against organized crime, but against legal businesses, labor unions, spouses, and, in one case, feuding rabbis. The law is ensnaring people whose only connection with a racket is the occasional encounter with a screaming baby.

Some RICO apologists argue that it was intended as a broad weapon, not limited to organized crime. Not so. RICO is part of a larger statute aimed entirely at organized crime and organized criminals. (Its more precise legislative label is Title IX of the Organized Crime Control Act of 1970.)

In passing RICO, Congress sought to strengthen the hand of prosecutors against the mobsters who had confounded law enforcement. Originally, Rep. Mario Biaggi (D-N.Y.) had offered a 20-word provision that would have read, "It shall be unlawful for any person to be a member of a Mafia or a La Cosa Nostra Organization." Although it raised other legal problems, this proposal would have had the great virtue of aiming the law directly at its intended targets.

Instead, we have a statute that refers confusingly to "racketeering" and "predicate acts" and "enterprises." The law is so vague that Supreme Court Justice Antonin Scalia has suggested that it may be unconstitutional.

THE STATEMENT OF FINDINGS IN THE PREFACE TO the Organized Crime Control Act makes clear that the only relevance to business is as a plaintiff against organized criminals or as a conduit for the financial activities of mobsters. The preface is worth citing for the utter absence of any reference to 90 percent of the cases now brought under RICO:

"The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcot-

TIM TEEBKEN

R·I·C·O AND THE MAN

When an Ambitious Prosecutor Meets a Bad Law, No One Is Safe.

BY L. GORDON CROVITZ

ics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt legal businesses and labor unions and to subvert and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact."

Although RICO was enacted as a tool against organized crime, the most often cited offenses in RICO cases do not include loansharking, gambling, extortion, or dropping Fat Louie into the East River with concrete shoes. Instead, the crimes typically mentioned are the vague "mail fraud," "wire fraud," or "securities fraud," charges that can conceivably cover anything anyone does that involves postage stamps or telephones or stocks.

Nearly half of the private civil RICO cases rely solely on allegations of mail or wire fraud and another third rely primarily on allegations of securities fraud. In the 1985 Supreme Court case of *Sedima, S.P.R.L.* v. *Imrex Co., Inc.*, the four justices who dissented from the broad reading of RICO noted that its predicate acts (crimes that can be prosecuted under the law) threatened to change the entire system of justice. Justice Thurgood Marshall wrote: "The effects of making a mere two instances of mail or wire fraud actionable under civil RICO are staggering, because in recent years courts of appeals have tolerated an extraordinary expansion of mail and wire fraud statutes to permit federal prosecution that some had thought was subject only to state criminal and civil law."

MAIL AND WIRE FRAUD ARE THE HEIRS TO A troubling tradition in the American legal system—the catch-all criminal provision that may do justice so long as prosecutors use great care and exercise unusual discretion but that can become extremely dangerous in the hands of overzealous prosecutors and plaintiffs' lawyers. The rule of law is undermined by vague statutes, which are impossible to follow but easy to break inadvertently.

"Fraud" is an inherently ambiguous concept, because it

implies an *intent* to deceive. This is troubling enough in civil cases where a jury determines what is fraud and what is not, but totally incongruous as part of any criminal code. A basic civil liberty is that the government must define crimes with great precision; a RICO violation is akin to the Soviet crime of "hooliganism." Allegations of mail and wire fraud are nothing more than claims that some "fraud" was committed through the mails or over the phone.

Prosecutors have long viewed these broad statutes as powerful tools. Former federal prosecutor Jed Rakoff has written that "To federal prosecutors of white collar crime, the mail fraud statute is our Stradivarius, our Colt .45, our Louisville Slugger, our Cuisinart—and our true love." Now obviously these days almost no business is conducted without letters, faxes, or modems. This means that nearly any allegation of "fraud" can become a RICO case.

Worse, unlike other offenses, mail and wire fraud do not require allegations that anyone actually relied on the supposed fraud or that any injury arose directly from the alleged fraudulent communication. The communication must instead only be part of some scheme that itself intentionally or recklessly causes the harm. Also, since federal mail and wire fraud laws do not give private parties any right to sue, civil RICO—which is largely based on mail and wire fraud—provides the only opportunity for a plaintiff to allege these vague charges in civil cases.

Intended as a weapon against organized crime, RICO has instead been turned against labor unions, abortion protesters, investment firms, spouses, and, in one case, feuding rabbis. For zealous prosecutors and private litigants, RICO is a catchall.

SECURITIES FRAUD WASN'T EVEN INCLUDED UNDER RICO until the final version of the law to be reported out of the Senate Judiciary Committee in December 1969. This timing is crucial to understanding the purpose of including securities fraud, because it was during this period that law-enforcement authorities first became concerned about the involvement of the mob in the securities markets, especially in the stealing and reselling of securities.

The president of the New York Stock Exchange, Robert Haack, testified before a House subcommittee in February 1969 about a dramatic increase in thefts of shares, allegedly by criminal syndicates. The following month, Attorney General John Mitchell testified that organized crime had even begun to use its huge financial resources to manipulate the prices of some stocks. The modus operandi apparently was quite simple. Sen. Roman Hruska explained that "persons with known underworld ties" would penetrate an "established brokerage house" and begin to circulate rumors to run up the prices of certain shares and engage in other manipulation.

In other words, RICO's target was not securities fraud by legitimate brokers or bankers but fraud against legitimate firms by mobsters. Fraud in the sale of securities by regulated brokers was already well covered by the criminal code, and Congress had no intention to replace the Securities Acts of 1933 and 1934 with RICO.

AMBITIOUS FEDERAL PROSECUTORS HAVE NOW discovered RICO'S many uses, and this poses a great danger to civil liberty and free enterprise. The man who made RICO famous in the 1980s was Rudolph Giuliani, the former U.S. Attorney in Manhattan and, perhaps not coincidentally, later a New York City mayoral candidate. His RICOing of alleged white-collar criminals completely confounded the purpose, text, and history of the statute. But his cases made headlines.

They also defied rules of prosecutorial discretion that had been established by the Justice Department in 1981 in a set of guidelines for RICO prosecutions. The guidelines say, for example, that "It is not the policy of the Criminal Division to approve 'imaginative' prosecutions under RICO which are far afield from the congressional purpose of the RICO statute." The guidelines correctly note that the statute's purpose was, in its own words, "the elimination of the infiltration of organized crime and racketeering into legitimate organizations operating in interstate commerce."

Giuliani's most important RICO prosecution—against Drexel Burnham Lambert—seemed to defy these guidelines and shows the dangers that RICO poses to legitimate business. After a well-publicized criminal investigation, Drexel entered a very peculiar guilty plea on six counts. It pleaded guilty to charges "which the company is not in a position to dispute."

The reason the firm could not dispute the charges had nothing to do with the availability of evidence or of able legal counsel. Instead, the very threat of RICO made a defense impossible. RICO clearly coerced the plea. The firm knew it could very well be out of business before it got a chance to defend itself in court.

As Alice learned from the Queen in Wonderland: sentence first—verdict later. The result is that we may never know what—if anything—Drexel did wrong.

Drexel understood that a RICOed securities firm is an ex-securities firm because of what had happened to the comparatively small securities house, Princeton/Newport. The core of the case against Princeton/Newport was that the firm had created fraudulent tax breaks by arranging false long-term capital gains and short-term capital losses. But the indictments

in 1988 were not restricted to or even labeled as alleged tax violations. Instead, the indictment charged the classics of racketeering, conspiracy, mail fraud, and wire fraud.

Why was Princeton/Newport brought as a RICO case instead of as a tax case? Defense lawyers made the very unusual and serious charge that Giuliani RICOed the firm not because of the heinousness of the alleged violations but because RICO could be the rubber hose to bludgeon Princeton/Newport officials into testifying against bigger fish, including Drexel's Michael Milken and Goldman Sachs's Robert Freeman.

Defense lawyers told the *Wall Street Journal* soon after the indictments that a prosecutor had told them that "we have no real interest" in Princeton/Newport, but that the firm "can help us with Drexel Burnham and others....If you cooperate, fine. If you don't, we are going to roll right over you to get to where we want to go."

Prosecutors deny the quote, but roll the prosecutors did. The first thing everyone learned is that RICO's pretrial asset forfeiture provisions work incredible hardships on businesses. Princeton/Newport's investors quickly made the prudent calculation to pull out their funds. Why risk having your funds frozen or seized? The firm was forced into liquidation—before being able to defend itself in court. The result was not only sentence before verdict, but the death penalty.

Prosecutors used the threat of pretrial asset forfeiture under RICO to coerce a guilty plea from Drexel Burnham Lambert. The threat of seizure had already driven a smaller securities firm into the ground before it could defend itself in court.

THE CONVICTION THIS SUMMER OF SEVERAL FORMER Princeton/Newport officials on RICO charges was itself the culmination of an extraordinary strategy by the U.S. Attorney's office. The underlying alleged crime, recall, was a violation of the tax code by some year-end, tax-driven trades by the firm. Reading the trial transcript, what is most striking is how little discussion there was of the tax code. Much of the transcript comprises rather vague accusations by the prosecution that tax-motivated trades are somehow inherently suspicious and criminal. Listen to the prosecutor summarizing his case to the jury:

"You don't need a fancy tax law expert because common sense tells you it's fraudulent, it's phony....Doesn't it feel wrong? Doesn't it sound sleazy? If it sounds sleazy it's because it is sleazy. Your common sense tells you that."

But it turns out that the tax issues were actually far more complex than the jury ever learned. Boris Bittker, an emeritus Yale Law School tax expert, was prepared to testify that these trades were not criminal and indeed were perfectly routine. After the prosecution objected, however, he was not allowed to testify, lest he confuse the jury about the law. In other words, RICO means never having to find a substantive criminal offense any more specific than "fraud" or "sleaze."

In an article in the *Wall Street Journal*, I likened the Princeton/Newport prosecution to a scene from the classic film, *Treasure of the Sierra Madre*. Humphrey Bogart and his pals are guarding some gold when they're surrounded by Mexican bandits.

One of the bandits says: "We are the Federales. You know, the mounted police." Bogart says: "If you're the police, where are your badges?" The bandit replies: "Badges? We ain't got no badges. We don't need no badges. I don't have to show you any stinkin' badges."

Now, we have a federal prosecutor in the Princeton/Newport case who assures the jurors that they don't need any "fancy tax law expert because common sense tells you it's fraudulent." In other words: "Tax laws? We ain't got no tax laws. We don't have to show you any stinkin' tax laws."

THERE ARE SIGNS that even the Justice Department now realizes that the Princeton/Newport case was based on prosecutorial abuses. The department has issued two very rare amendments to the *U.S. Attorney's Manual* restricting future use of RICO—in effect telling federal prosecutors never to bring another Princeton/Newport case.

One amendment, from the Tax Division, says that unless there are the "exceptional circumstances" of a tax shelter that victimizes third parties, prosecutors must not bring RICO or mail fraud charges masquerading as tax charges. The memo says "It is the position of the Tax Division that Congress intended that tax crimes be charged as tax crimes" and not something else. "Tax offenses are not predicates for RICO offenses—a deliberate congressional decision—and charging a tax offense as a mail fraud charge could be viewed as circumventing congressional intent."

The other amendment came from the Criminal Division. Its new policy guidelines strongly suggest that the cases against Princeton/Newport, Drexel Burnham, and Michael Milken have violated notions of fundamental fairness. The new guidelines limit the pretrial forfeitures of assets of defendants and their investors, clients, bankers, and others. The forfeiture memo cites "considerable criticism in the press, because of a perception that pretrial freezing of assets is tantamount to a seizure of property without due process." It tells prosecutors not to seek forfeitures if there are "less intrusive" alternatives, such as bonds, and in any case not to seek forfeitures "disproportionate to the defendant's crime."

This amendment amounts to an extraordinary repudiation of

the tenure of former U.S. Attorney Rudolph Giuliani, who was more inclined to gathering scalps than understanding markets. But the changes came too late to stop the convictions of Princeton/Newport officials. At their sentencing hearing in November, Judge Robert Carter cited the Justice Department amendments in suspending any sentence for the RICO counts, giving defendants light sentences of between three and six months. He also reduced the forfeiture to $1.5 million from the $22 million the government had sought.

Still, we are seeing a very scary change in the criminal law system that undermines the rule of law and sacrifices the civil liberties of individuals—albeit only individuals like stock brokers and commodities traders, who RICO apologists may think are somehow too rich to deserve constitutional protection. With the vague crime of RICO, prosecutors have enormous power to bring cases against targets simply because they are in some way unpopular. Drexel and Mike Milken, for example, had upset a lot of entrenched corporate managers and their investment banking competitors.

We are seeing a very scary change in the criminal justice system that undermines the rule of law and sacrifices civil liberties. With RICO, prosecutors have enormous power to bring cases against targets simply because they are unpopular.

WE HAVE SEEN equally startling changes on the civil side. The range of cases is as wide as those activities that can allegedly amount to two predicates of "fraud"—using the mails or the wires. Companies that have been sued under RICO include: AETNA Casualty and Surety, A.H. Robbins, Allstate Insurance, ABC, Arthur Anderson, Citibank, Coopers Lybrand, Exxon, Ford, General Motors, Merrill Lynch, Miller Brewing, Morgan Stanley, Pantry Pride, State Farm Fire and Casualty, Texaco, and Touche Ross. Even landlord-tenant, divorce, and will disputes have been turned into RICO cases.

Some of the civil suits are prompted more by political considerations than the lure of huge judgments. The Supreme Court declined to hear an appeal from the Third Circuit's $43,000 RICO verdict against 27 activists who had demonstrated against a Philadelphia abortion clinic. The defendants did commit trespass, but the clinic decided to bring a RICO suit as well as civil charges of trespass and allegations of $800 damage to medical equipment. Edward Tiryak, the attorney for the clinic, has said that he included the RICO charge simply to make the demonstrators look evil. "The political objective," he said, "being that we would expose these people as not just Mom and Pop demonstrating in front of a clinic and trying to express their views." In upholding the verdict, Federal Appeals Judge Delores Sloviter dismissed the defendants' argument that there is a difference between civil disobedience and racketeering.

Under this reasoning, of course, many other individuals and groups would have been guilty of racketeering activity. Martin Luther King, Jr., was guilty of trespassing, and even of harming the property of those against whom he was demonstrating. RICO would brand him a racketeer. The National Organization for Women, which issued a statement supporting the abortion clinic's RICO claims, might find that RICO is a two-edged sword if ever anyone wanted to turn the political tables.

Part of the allure of using RICO in white-collar cases may be the same soak-the-rich mentality that has also altered the landscape of tort and contract law generally. And there is also what might be called the moral relativism defense of RICO, which equates the activities of organized criminals with those of legitimate businesses and is unable to differentiate between the two. Under this view, the rigorous penalties of RICO are just as applicable against an investment banker or an accountant as against the head of a Mafia family. There may be people who think that unintentional violations of complex stock-parking regulations and disclosure laws are as dastardly as mur-der and extortion, but I doubt there are many such people.

One may be Notre Dame law professor and chief draftsman of the RICO law, Robert Blakey. He is now its chief defender—or apologist. He told *Forbes* magazine that "Mike Milken made $550 million in one year....Nobody else made that much in the history of the country except Al Capone. What did he do? He cheated. What was Milken doing? He cheated. Of course, Capone stole and killed to do it." Of course.

And of course there are other huge differences between the Mafia and Drexel. The Mafia was set up as a criminal enterprise; Drexel is a registered brokerage. The Mafia makes money by committing crimes; Drexel makes money by attracting clients. The Mafia gets involved with legitimate companies only as a deviation from its norm; if Drexel broke the law, it would be a deviation from its usual pattern. It is easy to identify the victims of the Mafia; it is sometimes not so easy to identify victims of alleged securities fraud.

Certainly we have never held any kind of national debate on whether as a society we want legitimate businesspeople to live in fear of criminal or civil RICO charges, for things they may or may not have done. All nine Supreme Court Justices agree that Congress never intended RICO to be applied as broadly as it is now. Until Congress or the Supreme Court does something about this outrage, the real racket is RICO itself. ■

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AFTER THE FALL

Marxism Is Dead. Long Live...?

BY JULIANA GERAN PILON

The West has been watching, stunned, as a corroded Iron Curtain crumbles rapidly and irrevocably, the rust of its contradictory ideology finally giving in to the weight of time and irrelevance. Meanwhile the opposition in these countries is tasting power for the first time in nearly five decades and faces tough choices. It is now no longer enough merely to oppose Marxism. A positive plan must be forthcoming. And yet, while it is generally clear to the opposition that the free market is superior to a centrally planned economy, there is much talk about "the Swedish model," welfare rights, and, yes, equality. The nations of Central Europe, far as they certainly have traveled, are still in need of painstaking education in the moral and legal foundations of capitalism. Their encounter with democracy is, after all, not only geographically and historically distant but tarnished by decades of egalitarian indoctrination.

Prague students march to show solidarity with their counterparts in China. Is "democracy" enough?

REUTERS/BETTMAN NEWSPHOTOS

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There is little doubt that Marxism-Leninism has long been discredited. The challenge before us is to rescue from under the rubble of its fatal misconceptions a philosophical base strong enough to see the long-mutilated nations of Central Europe emerge into Western civilization once again. For the logical leap from repudiating Marxism to defending capitalism is not apodictic.

Even the brilliant analyst of the demise of Marxism, Polish philosopher Leszek Kolakowski, whose trilogy *Main Currents of Marxism* was first published in English a decade ago, has found it difficult to embrace pure capitalism. On the one hand, Kolakowski fully appreciates the fact that Soviet-style communism was no mere Leninist aberration but rather a well-founded, logical interpretation of Marxism. "It was Marx," he writes, "who declared that the whole idea of Communism could be summed up in a single formula—the abolition of private property." He understands too that the expropriation of the bourgeoisie and the nationalization of industry and agriculture followed naturally. And once "having nationalized the means of production, it was possible to erect on this foundation a monstrous edifice of lies, exploitation, and oppression."

Capitalism is seen as an engine of material progress, but not as a morally superior way of organizing human affairs.

Yet at the same time Kolakowski supports capitalism only reluctantly and on egalitarian grounds. He attributes its success to the fact that the system made it possible to "limit exploitation by progressive taxation, partial control of investment and prices, welfare institutions, increasing the social consumption fund, etc., even while private ownership of the means of production continues and exploitation has not been abolished." With such faint praise from an intelligent critic of Marxism who has been in the West for years, we can imagine how difficult it is for Central European intellectuals to accept the virtues of free enterprise.

Some progress has occurred. The failure of Marxism has precipitated serious intellectual reexamination of first principles even among ordinary people with little or no philosophical training. As Josiah Lee Auspitz wrote in a June 1989 *Commentary* article, "Young Poles seem to understand that concepts like a legal person, freedom of contract, civic virtue, trust, separation of powers, and the rule of law must be reconstructed from the ground up, if prepared minds are to seize such opportunities as may present themselves."

The variety of philosophical schools that currently flourish in Poland is indeed testimony to the intellectual health of this nation newly emerged from communism. This is surely a momentous opportunity: There is a good chance that totalitarian ideology will be replaced by a healthy appreciation for pluralism, coupled with a rejection of simplistic scientism and ubiquitous, stultifying planning. For there is little doubt that communism, or socialism in its extreme form, has lost all credibility in the Soviet Bloc.

At the same time, the ideas of capitalism have made some inroads. British philosopher Roger Scruton explains in a recent journal article that what he calls "new right" philosophy (essentially, classical liberalism) has been infiltrating Central Europe for several decades now. Increasingly, he finds, this thought is influenced by "the phenomenology of socialist failure, the attempted return (perhaps in a state of unbelief) to Christian roots and to the 'symbolic order' which has grown from them, and the idea of the market as an expression of responsibility."

Yet the capitalist credo is by no means dominant in Poland, members of the labor union Solidarity only recently having started to convert to nonsocialist ways of thinking, with still a long way to go. Neither has the Catholic Church traditionally been an enthusiastic supporter of capitalism. Miroslaw Dzielski, the late president of the Krakow Industrial Society, a free-market-oriented association, was initially shunned by the Catholic Church and later embraced only with reservations. Shortly before his untimely death last November, Dzielski told me that the Poles are not yet ready to understand the significance of guaranteeing property rights. In an interview published by the Gdansk-based *Mloda Polska* journal on June 22, 1989, Dzielski said that "for the time being the left dominates the scene" in Poland, since "all [recent] democratic changes in Poland have been instigated by the left."

The problem, familiar to libertarians in the West, is that people see capitalism as an engine of material progress but not as a morally superior or politically attractive way of organizing human affairs. Dzielski told *Mloda Polska* that the last decade has seen many changes in Poland; the concept of free enterprise has made great advances. The Krakow Industrial Society has gained respectability and influence, to the point that Dzielski could say that in fact "today there is no 'left' thinking in economy in Poland. In other words we seem to have succeeded." But, he admitted, "the left has a natural political and social support. This is the obstacle one finds hard to overcome."

Although the Krakow Industrial Society has been painstakingly educating Poles in the principles and mechanics of private initiative for nearly a decade, the road to privatization in Poland is still a thorny one. The society was legalized two years ago and is gaining increasing official recognition, with three of its members in top government positions, including the minister

of industry. Yet there is still far to go. Its proposal to create a credit bank to make small loans to entrepreneurs flounders for lack of a paltry $1.5 million in capital. Meanwhile, the Polish government asks Western governments for aid totaling billions of dollars—aid that, unlike the credit bank's loans, would likely not be repaid. Notes Polish free-market economist Rafal Krawczyk of the Catholic University of Lubin: "The Poles do not understand free enterprise. They apply it haphazardly and mix it with government controls."

Similarly, the statement of principles of the Hungarian Alliance of Free Democrats blends classical liberal ideals with welfare state rhetoric. So, for example, the Free Democrats declare, "we are heirs to European and Hungarian liberalism, which seeks to restrict the power of government over society, which desires an end to human defenselessness and which aims to realize the autonomy of the economic sphere." But they also say, "we are heirs to European and Hungarian social democracy, which was the first to discover efficacious means to protect working people against exploitation, making them conscious of their right to a decent living." The platform calls for "the right of individuals and collectives to have full jurisdiction over their property and...a free enterprise system." But it also speaks of "the right to minimum income" and "the right to prosperity."

Central European intellectuals, particularly in Hungary and Czechoslovakia, often not only have failed to fully understand free enterprise but have adopted a distrust of systems and ideologies in general. The Hungarian intellectual George Konrad, for example, writing in a "manifesto" entitled *Antipolitics*, opts for "a healthy pagan cynicism toward dedicated fanatics" of any stripe. Konrad favors a transcendent, transpolitical, or nonpolitical system of values—reflecting an abhorrence of all ideology.

Czechoslovakia's new president, playwright and former dissident Vaclav Havel, often couches his political writing in poetic language. In his 1984 essay, "Politics and Conscience," he decries Marxism as the most dangerous illusion of all, "a vision of a purely scientifically calculable and technologically achievable 'universal welfare.' " But his distrust of planning and science extends to a general suspicion of all ideologies, even, one might conclude, the nondirected system of capitalism.

He resists ideological categories, deeming them out of date and too impersonal: "Or the question of socialism and capitalism! I admit that it gives me a sense of emerging from the depth of the last century. It seems to me that these thoroughly ideological and often semantically confused categories have long since been beside the point. The question is wholly other, deeper and equally relevant to all; whether we shall, by whatever means, succeed in reconstituting the natural world as the true terrain of politics, rehabilitating the personal experience of human beings as the initial measure of things, placing morality above politics and responsibility above our desires, in making human community meaningful, in returning content to human speaking, in reconstituting, as the focus of all social action, the autonomous, integral and dignified human I, responsible for ourself because we are bound to something higher, and capable of sacrificing something, in extreme cases even everything, of his banal, prosperous private life—that 'rule of everydayness' as Jan Patocka used to say—for the sake of that which gives life meaning. It really is not all that important whether, by accident of domicile, we confront a Western manager or an Eastern bureaucrat in this very modest and yet globally crucial struggle against the momentum of impersonal power."

On a less abstract level, the recent democratic revolution in Czechoslovakia seems to have been the work of young, largely apolitical students. Jailed with old-time dissidents in a crackdown last fall, the students learned the techniques of 1968 from their elders. But their anti-establishment fervor represented the rebellion of youth. Although they demanded elections and an end to the communist system, they offered no platform for what would come after. Alongside wall posters of Karl Marx, they hung pictures of Groucho Marx and John Lennon—neither exactly a symbol of a coherent philosophy.

Opposition to authority clearly does not automatically translate into a libertarian philosophy. Karel Dyba, a senior researcher at the Academy of Sciences in Prague and former Communist Party member, observes that free enterprise has won the intellectual battle among many serious economists in Czechoslovakia. But, he adds, implementation of free markets will face many obstacles. Interest groups will undoubtedly be hurt as, for example, some prices increase. Already in Czechoslovakia, parliamentary deputies from mining regions have raised objections to free-market reforms that could put miners out of work.

Rejecting communism, many Central European intellectuals are suspicious of ideology in general, including capitalism.

But Dyba also notes that few people understand just what "the free market" entails. Deep-seated egalitarianism, reinforced by decades of Marxist assumptions, may rouse people to oppose the privileges of the communist system. But it may also make them uncomfortable with the inequalities of capitalism—as Soviet citizens have begun to resent the prosperity earned by owners of private co-ops.

Central European opposition groups, who overwhelmingly draw their leaders from among intellectuals, face another problem as well: adapting to the realities of politics. Romanian-born Vladimir Tismaneanu describes the psychology of the Central European intellectual: "swinging between utopia and despair, East European intellectuals have acquired a sense of surreal political sociology unknown to their peers in the West. They are inheritors of that culture of apocalyptic irony symbolised by names like Franz Kafka, Robert Musil, Karl Kraus, Arthur Koestler, or Elias Canetti, a world where dreams and politics were mysteriously intertwined in a foreboding allegorical texture."

Individualism does not imply turning inward: The people of each Central European country continue to love their nation.

Such a mindset ill equips the intellectual to run for office. And in some cases those who seek political involvement may be doing so for unfortunate reasons—such as the newly acquired taste for power and publicity. The hard work of campaigning and earning public support, moreover, requires respect for the opinion of common folk. Intellectuals now have to develop a popular base, which is no small task. In some cases, they are facing the challenge surprisingly well—witness the successful referendum sponsored in Hungary by the Alliance of Free Democrats in November. By contrast, the populist Hungarian Democratic Forum appealed to the baser instincts of some ordinary Hungarians, including remnants of anti-Semitism, only to see the tactic backfire.

It is impossible not to speculate about the psychology of the long-captive Europe. In the absence of reliable opinion polls, let me suggest a poem by Adam Zagajewski, a talented Solidarity activist born in 1945, by way of illustration for what I take to be some of the principal lessons learned by the people of Central Europe. The poem is entitled "Fire."

> Probably I am an ordinary middle-class
> believer in individual rights, the word
> *freedom* is simple to me, it doesn't mean
> the freedom of any class in particular.
> Politically naive, with an average
> education (brief moments of clear vision
> are its main nourishment), I remember
> the blazing appeal of that fire which parches
> the lips of the thirsty crowd and burns
> books and chars the skin of cities. I used to sing
> those songs and I know how great it is
> to run with others; later, by myself,
> with the taste of ashes in my mouth, I heard
> the lie's ironic voice and the choir screaming
> and when I touched my head I could feel
> the arched skull of my country, its hard edge.

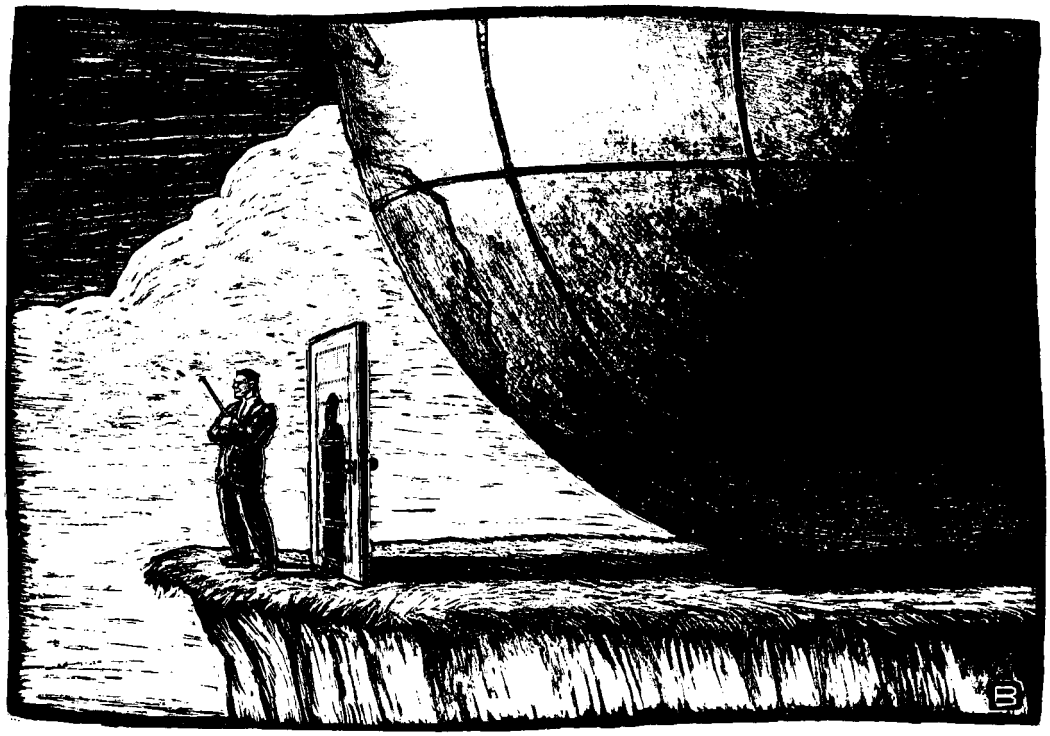
The blazing appeal of the fire which parches the lips of the thirsty crowd is the inebriating seduction of Marxism, or indeed of any ideology that promises to recreate humanity through state power. A similar seduction was described by Plato in *The Republic*; another version was responsible for the French Revolution; its most horrifying 20th-century expression was the Holocaust created by the National Socialists under Hitler. Its temptation is timeless. Yet it burns books, chars the skins of cities, and later there is the taste of ashes in one's mouth. The lie, as Alexander Solzhenitsyn also eloquently wrote, is only a natural corollary.

Like the writings of Havel and other intellectuals, the poem suggests a strong suspicion of ideology, or at least of ideologies that would sacrifice individual humanity to their cause. But it leaves space open for the individualism and spontaneous order of capitalism. Zagajewski speaks undoubtedly for millions when he describes himself as "an ordinary middle-class believer in individual rights." Quite simply, "freedom" is a concept that is best applied not to classes but to individuals; that, in a nutshell, is the message of collapsing Marxism.

Yet individualism does not imply turning inward: The people of each Central European country continue to love their nation. Zagajewski continues to feel the arched skull of his country, its hard edge, as if it were his own—and it is, indeed, his own being, his own reality, reborn, refound. The people of Central Europe have developed a deep love for their respective tortured nations, and a long, rich cultural heritage has fostered a sense of pride. Thus Havel, at least, does not beg for Western help, believing that the people of Czechoslovakia, in particular, must help themselves. Yet neither does he deny the universal relevance of what has happened there: for what is at stake is "the salvation of us all, of myself and my interlocutor equally. Is not the destruction of humans in Prague a destruction of all humans?" What happened in Central Europe after the Second World War is the monstrosity of state control writ large. This experiment, therefore, has implications beyond Prague—or Budapest, or Warsaw.

It is not hard for me to imagine the state of mind of Central Europe. I recall that misty day in October, 28 years ago, sensing the despair I was leaving behind in my native Romania. In Romania, communism was born brain-dead, with little chance of ever gaining support. Yet as I left it, I had no appreciation whatever of capitalism. That knowledge would take years to gain, and longer yet to embrace. ■

Juliana Geran Pilon is executive director of the National Forum Foundation in Washington, D.C.



MARC BURKHARDT

Forget the Crowbar

What's the best way to open markets overseas? Keep those imports coming.

BY JIM POWELL

Can we open foreign markets by closing our own? One of the hottest ideas in Washington is that we should retaliate against protectionist countries by raising our own import barriers against them. We will remove our restrictions only when they remove theirs, the theory goes, forcing these countries to negotiate with us to eliminate all trade barriers. "Retaliation" is the rallying cry of a new economic nationalism that has gained support from powerful Republicans and Democrats alike. But it doesn't work.

So far, the most important result of all this talk of retaliation is the so-called Super 301 law. Passed as part of the 1988 trade package, this measure amends Section 301 of the trade code, expanding the power of the U.S. trade representative to crack down on countries with "unfair" trading practices by erecting barriers to those countries' goods. When Super 301 was passed, House Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.) proclaimed, "This is a positive step toward dismantling foreign trade barriers that adversely affect American interests."

History shows that closing U.S. markets almost never opens markets abroad.

And last year, President Bush declared he would "work vigorously to break down trade barriers abroad." He gave the new U.S. trade representative, Carla Hills, a crowbar at her swearing-in ceremony, suggesting that trade retaliation is a crowbar to force open foreign markets.

Underlying all this is what we might call the "crowbar theory" of trade sanctions. In his 1981 study, *Economic Sanctions*, Robin Renwick, of Harvard's Center for International Affairs, expressed it this way: "The theory of sanctions rests on the assumption that if subjected to economic penalties a nation will, as a matter of self-interest, change its conduct." But it's hard to find any significant cases where the theory has worked. The United States has closed its market many times, and almost always foreign markets have just closed even tighter.

During the 1980s, the portion of U.S. trade subject to import restrictions increased about 50 percent. We closed our market mainly with import quotas, "voluntary" agreements with other countries to reduce their exports, antidumping duties, and retaliatory tariffs. Yet other countries didn't respond by opening trade to outsiders. The Europeans, for example, merely counter-retaliated with punitive tariffs, "voluntary" restraint agreements with the United States, antidumping duties, and local-content laws.

And if you look at particular American retaliatory actions, the record is dismal. Since 1974, when Section 301 first became law, the United States has brought 78 cases against foreign governments. Threats of American retaliation have forced only 13 market openings—and those were generally trivial.

In 1975, for example, the American Farm Bureau complained that Canadian egg import quotas were harming American producers. After lengthy talks with the U.S. trade representative, the Canadians agreed to increase their quota limits. In the world of Section 301, that was designated a market opening.

And consider the following actions, not one of which led the target country to lower its trade barriers:

- In 1982, President Reagan imposed retaliatory tariffs against Argentine leather.
- In 1987, he ordered 100-percent retaliatory tariffs against Japanese laptop computers, power tools, and other products, because of a dispute involving Japanese semiconductors.
- In 1988, after the trade representative was unable to resolve a dispute about pharmaceutical patent protection in Brazil, Reagan ordered 100-percent retaliatory tariffs against Brazilian paper products, pharmaceuticals, and consumer electronics.

Despite their utter lack of success, all of these retaliatory tariffs are still in force. Some U.S. manufacturers may benefit—but by charging American consumers more, not by gaining "fair" access to new markets overseas.

The most significant "victory" for the crowbar theory was the opening of the Japanese cigarette market three years ago. But although cigarette exports to Japan have increased substantially, they still account for less than 2 percent of total exports to Japan. And overall American exports to Japan jumped 40 percent over the same period—largely because lower exchange rates and higher quality made American products more competitive. Retaliatory threats had nothing to do with these big changes.

Over the years, many American companies have actually been harmed by Section 301 actions. In 1978, for example, American broadcasters filed a complaint because Canada had abolished tax deductions for advertising on stations in the United States. The United States retaliated by removing tax deductions for advertising on Canadian-owned stations. The consequence, of course, was that American advertisers had a harder time reaching the Canadian market. Twelve years later, these retaliatory measures are still in place—and Canada has not changed its original policy.

In 1982, after failing to resolve a dispute about European steel subsidies, Reagan ordered higher tariffs on imported European steel—making it more difficult for American automakers and appliance manufacturers to get competitively priced supplies. Georgetown University economist Gary Hufbauer argues that steel quotas cost Americans $1.5 billion to $3 billion in 1988. Similarly, the U.S.-engineered 1986 semiconductor agreement led to shortages of memory chips and a quadrupling of chip prices, harming American computer companies and consumers.

Last May, the trade representative targeted a number of Japanese electronics products for retaliatory tariffs, because of complaints that Motorola made about Japanese import limits on cellular telephones. In response, U.S. communications companies noted that they and their customers—not Japan—would be the ones to suffer if electronics equipment were slapped with new import restrictions.

"We are seriously concerned," said Edwin B. Spievack, president of the North American Telecommunications Associa-

tion, "about the propriety of imposing sanctions so broadly when the problem concerns so narrow a segment of the entire industry. Not only do we believe that such measures are inappropriate, we also know their imposition would be counter-productive....it mandates that the American consumer and American businesses—many of them small businesses—will be forced to bear penalities greater than those Japan may experience."

But while some companies complain about retaliatory trade barriers, others are learning to use the process for their own benefit. Last year, the trade representative began an investigation into complaints that Brazil allows its computer manufacturers to pirate American software. Alert to an opportunity, U.S. footwear manufacturers and ferro-alloy metal producers stepped forward to urge that their Brazilian competitors would be ideal targets for retaliatory tariffs if action were taken against Brazil.

If the trade representative does slap tariffs on Brazilian shoes and metal, that probably won't stop the alleged pirating of software. But U.S. shoe factories and metal makers will have a little less competition to worry about. And, of course, consumers will pay more for shoes, while manufacturers that use ferro-alloys will get socked with higher costs.

Far from opening markets, retaliation tends to provoke nationalism and xenophobia, generating even more pressure to keep out American goods. This rising nationalism—notable today in South Korea and Japan—is undoubtedly driven at least as much by resistance to free trade as by resentment of U.S. trade barriers. But, either way, the crowbar will prove ineffective if not counterproductive.

South Korea began its first vigorous antismoking campaign, for instance, after the United States pressured it to eliminate barriers to American cigarettes. Anti-American Korean leaders promote greater self-sufficiency and oppose letting in more imports. Their rallying cry is *Minjok chajo*: "We can do it alone." Similar sentiments are on the upswing in Japan. Facing the threat of U.S. retaliation, those (such as South Korean and Japanese farmers) who oppose lowering trade barriers simply on self-interested grounds, can gain allies by appealing to patriotism.

This response is not a new phenomenon. The U.S. government has a long history of attempting to force open other countries' markets by raising its own trade barriers. And it has a long history of failure.

In 1890, the United States enacted the McKinley tariff, which raised duties on wool, wheat, corn, and many other things. It also empowered the president to retaliate against countries that refused to lower their tariffs. The result: higher tariffs and a trade war with Europe.

In 1922, the United States substantially closed its markets again. Congress enacted the Fordney-McCumber tariff, which raised duties as much as 400 percent on wool, sugar, wheat, iron, steel, dishes, and children's toys, among other things. The president was again given retaliatory power similar to that in the 1890 tariff.

> In recent decades, many foreign markets have opened *without* U.S. pressure.

Fordney-McCumber wasn't followed by more-open markets anywhere. If anything, it encouraged economic nationalism abroad. Mussolini promoted his "Battle of Wheat"—trade restrictions aimed at helping Italy become self-sufficient in grain. Germany erected higher trade barriers and created 2,500 cartels. Finally, Fordney-McCumber encouraged economic nationalism in Latin America, especially Argentina. Frustrated by U.S. trade restrictions, Argentine exporters promoted the popular slogan *Comprar a quien nos compara*: "Buy from those who buy from us."

The theory of retaliation failed again in 1930, when the United States enacted the Smoot-Hawley tariff. It raised duties an average of 58 percent on 25,000 agricultural commodities and manufactured goods. Far from forcing open foreign markets, Smoot-Hawley infuriated people everywhere. They reacted by closing their markets with higher tariffs, import quotas, and exchange controls.

Angry Swiss consumers boycotted American-made tires, adding machines, typewriters, washing machines, household appliances, and building materials. Swiss car owners specified British or Dutch gasoline. The Swiss insisted on meat from Argentina or Uruguay rather than the United States. American exports to Switzerland dropped 45 percent between 1930 and 1932.

Similarly, after Smoot-Hawley throttled imports of Italian olive oil, Italians reacted angrily against the United States. The Royal Automobile Club publicized the names of "unpatriotic" Italians who owned American-made cars. The U.S. trade commissioner reported: "Windows were broken, the cars spat upon and otherwise befouled when left without an occupant. Italian drivers of American cars were hailed as 'Americano' and made to feel as if they had betrayed their country in purchasing a foreign car." American car sales in Italy plunged 91 percent within a year.

Smoot-Hawley erected barriers against Spanish cork, and the Spanish government retaliated with the Wais tariff, which raised duties 50 percent on American tires, 66 percent on American movies, 100 percent on American cars, 500 percent on American sewing machines, and 700 percent on American safety razor blades. American exports to Spain plummeted 96 percent by 1932.

Our Canadian neighbors wanted revenge after Smoot-Hawley doubled the tariffs on fish and many agricultural products. Conservative leader Richard Bennett declared: "When your greatest competitor shuts the door in your face, when men walk the streets hungry, when our provisions grow old in storage

warehouses, when the whole machinery of trade is smashed by an alien, what does the leader of the Government do?" Bennett demanded an aggressive policy of "Canada first, United States second." In August 1930, he became prime minister, and Canada imposed retaliatory tariffs against American iron, steel, fruits, vegetables, grain, and dairy products. By 1932 American exports to Canada had plunged 74 percent. Despite worldwide retaliation against the United States, Smoot-Hawley remained in effect—and is still on the books, with amendments, to this day.

Over the last five decades country after country has opened its markets *without* pressure from the United States. Finding themselves with economic problems brought on by trade barriers and oversized government, these countries have been driven by their own self-interest to remove trade restrictions. Through it all, the United States' biggest role has been to serve as a model of a relatively open economy.

In Chile, for example, markets were unilaterally opened after an almost total economic collapse. The Marxist politician Salvador Allende had pursued economic policies that led to 600-percent annual inflation, chronic shortages, and stagnation. In 1973, his successor, General Augusto Pinochet, began removing trade barriers, investment restrictions, and business subsidies. Chile's GNP is now growing 10 percent annually, more than five times the Latin American average. It was self-interest, not economic sanctions, that forced these changes.

Nor did American retaliatory threats have anything to do with the deregulation of Japanese financial markets. During the mid-1970s, soaring budget deficits forced the Japanese government to issue far more bonds than the nation's heavily regulated financial markets could handle. To finance its deficits, the government had to chop away red tape binding financial institutions. As part of this program, it abolished most exchange controls, permitting capital to move freely in and out of the country for the first time since World War II.

For years, Mexico pushed economic nationalism as far as any country, with its economy a jungle of restrictions and subsidized, nationalized enterprises. But falling oil prices precipitated a crisis in 1982. Having exhausted its credit, the government began to create a somewhat more hospitable environment for foreign investors. Mexico signed a tariff-reduction deal with the United States, and *maquiladora*, factories owned by American companies, began to thrive near the U.S. border. Today, northern Mexico is growing 6 percent annually—almost as fast as Japan.

To strengthen the rest of its economy, the Mexican government has abolished most import quotas since 1987 and cut tariffs to an average of about 10 percent. Imports climbed 50 percent in 1988. And Mexican companies are being forced to become more competitive.

Again, in Turkey, trade liberalization followed severe economic crises. In 1983, economist Turgut Ozal promised some free-market reforms, and he was elected president. He phased out import quotas, lowered tariffs, and abolished most price controls. He lifted many investment restrictions, and foreign investment soared. The result was an economic revival. Turkey, which once imported nails, now exports cars and refrigerators.

For years, Australia was mired in a stagnant, protectionist swamp. Since Robert Hawke was elected prime minister in 1983, he has promoted a more open market. He cut government spending, eliminated foreign-exchange controls, liberalized foreign investment policies, deregulated financial markets, and lowered tariffs on manufactured imports.

Neighboring New Zealand had also substantially isolated itself from world markets with steep tariffs, import quotas, and subsidies. And its economy stagnated just as Australia's did. But in 1984, Finance Minister Roger Douglas introduced a series of invigorating reforms. He phased out foreign-exchange controls, deregulated financial markets, lowered tariffs, and abolished import licenses and agricultural subsidies. Productivity is up, and the economy is reviving. U.S. retaliatory threats didn't produce these welcome trends.

During the past decade, probably the most dramatic events have involved the economic collapse of the Communist Bloc and resulting pressures to open up or fall further behind market economies. It would be absurd to claim that American retaliatory threats contributed to reforms in China or the Soviet Bloc.

When one country unilaterally opens its market and prospers, other countries may begin exploring ways to open their markets—not because of retaliatory threats, but because they see that open markets are in their self-interest. No one wants to be left behind.

Of course, not every country will emulate free-market successes and unilaterally open its markets. But when one compares the results of unilaterally dropping trade barriers with the results of economic sanctions, it's no contest: Although there are no guarantees, the best way for a government to open up foreign markets is to eliminate its own trade barriers.

This is true even though access to foreign markets usually isn't the main reason people open their own market. Most countries remove their trade barriers so they can buy lower-cost, higher-quality goods. The subsequent opening of foreign markets is just a pleasant by-product.

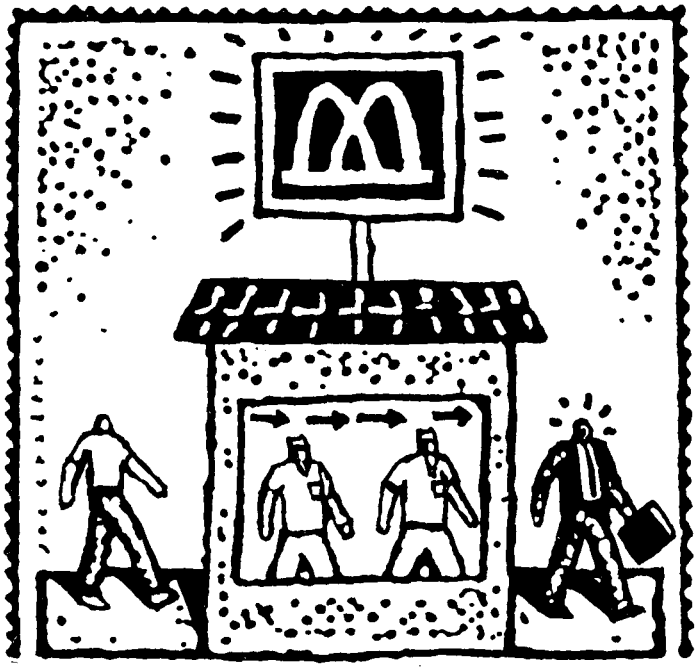
If Americans really want to tap foreign markets, we should pressure our government to eliminate the trade barriers it has already erected. Consumers would gain access to new and less expensive products, businesses would pay less for raw materials and equipment, and the federal government could even cut its deficit a little bit by dismantling the bureaucracy that enforces all those trade restrictions.

The resulting increase in our own prosperity might make people in other countries demand that their governments get rid of trade restrictions. And even if other governments didn't change, we would still be better off. ■

Jim Powell is the author of The Gnomes of Tokyo: Why Foreign Investment is Good for Us.

GRAB A BUCKET AND MOP

BY MARTIN MORSE WOOSTER



Perhaps the saddest column I read in 1989 was the one Walter Kirn wrote upon his resignation from his post at *7 Days*. In the year he served as magazine columnist, Kirn complained, he had read 500 separate issues, which caused him to burn out due to "information overload."

Granted, there are plenty of hazards for the magazine critic. *New Yorker* multi-part series are always a problem; the Paul Brodeur series on electromagnetic waves, for example, was the heavyweight championship of magazine reading, a three-part, 15-round mental bout that left hundreds of thousands of *New Yorker* readers gasping for air at its conclusion.

But despite all the hazards, I still keep reading, and occasionally I find pieces that are worthwhile. Here are some of the best articles I read between July and December 1989.

One of the threats liberal parents use to terrorize their children is, "If you don't do your homework, you'll end up as a hamburger flipper and earn the minimum wage for the rest of your life!" In "McJobs," in the Summer 1989 issue of *Policy Review*, Ben Wildavsky looks at how McDonald's really operates. His conclusion: Far from providing dead-end jobs for failures, McDonald's "functions as a de facto job program by teaching the basics of how to work."

McDonald's provides 1 out of 15 Americans with their first jobs. While starting wages are low, advancement for those who stay in the corporation is rapid. Forty percent of the McDonald's board of directors worked for the company as hourly employees; half of McDonald's store managers began as hamburger flippers. What's more, other employers see experience at McDonald's as a useful credential; McDonald's workers have gone on to be pilots, doctors, police officers, and at least one professional football player.

And McDonald's, Wildavsky discovered, is particularly adept at hiring blacks and other minorities. *Black Enterprise* magazine named McDonald's as one of the 50 best corporations for blacks to work for in America, noting that 17 percent of the firm's managers are black. Soviet emigrés, Hispanics, and other minorities have also found McDonald's useful in climbing the economic ladder.

Wildavsky's article is a hard-hitting piece of myth busting that should be read by every politician who rants about the awfulness of "hamburger flipping." It's a promising debut, and I look forward to more articles from Wildavsky.

November marked the 75th anniversary of *The New Republic*. When the anniversary issue of the magazine arrived, I took out my kazoo and blew a lusty tattoo; although *The New Republic* has become somewhat more predictable under its new editor, Hendrik Hertzberg, it's still entertaining and one of the best political journals around.

For the November 6 anniversary edition, the editors pulled out all the stops. They reprinted the first issue of *The New Republic*, treating the readers to a large dose of antiquated progressivism and some fine pieces by Randolph Bourne and the 22-year-old Rebecca West. Then *TNR*'s editors handed their favorite writers feather dusters and assigned them to clean the grimy statues in the Liberal Hall of Fame.

Most of the resulting articles are predictable. Robert Kuttner praises John Maynard Keynes, claiming that Keynes, if alive today, would call for protectionism, "heroic [sic] measures to assure full employment," and, the best euphemism of 1989, "forced savings for the rich." (Not even Kuttner can overtly call for massive taxation of the wealthy these days.) John Judis profiles early 20th-century corporate statist Herbert Croly; as with most of Judis's historical profiles, the piece combines interesting research and useful analysis with conclusions that are completely wrongheaded. Robert Wright attempts to revive one-worldism, but then rejects everything the original one-worlders believed in.

The best piece in the issue is Henry Fairlie's diatribe against Woodrow Wilson. Fairlie attacks Wilson's decision to enter World War I, noting that the 2 million U.S. troops who crossed the Atlantic in 1917 and 1918 demonstrated the flimsiness of the rationale for American entry—the German blockade against the United States. Fairlie also dissects the conflict between the liberals of the period

JOE CRABTREE

who believed in limited government (such as Randolph Bourne) and the corporatist liberals (including most of the editors of *The New Republic*), who wanted to run a government large enough to dominate big business.

The evil legacy of Woodrow Wilson is two-pronged. Domestically, Wilson left America the corporate state; in foreign affairs, Fairlie adds, Wilson originated what is now "in many respects a garrison state of centralized power and cynical manipulation of American citizens."

I would go even further in criticizing Wilson's views. Wilsonian foreign policy is still with us, in the form of the pernicious notion that the nations of the world must be molded into scores of miniature Americas. Wilson's progeny—the New Frontier, Jimmy Carter, the National Endowment for Democracy—have produced hundreds of millions of people who dislike America and everything it stands for. Fairlie's article would do a great deal of good if today's Wilsonians read it and finally realized that everything they know about foreign policy is wrong.

As I've noted before, American reporting on foreign lands tends to mislead readers. Perhaps the worst reporting comes from South America, where most journalists assume that everyone on that continent either sells cocaine or organizes military coups.

But the editors of *The American Spectator* decided to leap where other magazines fear to tread and send British journalist Ambrose Evans-Pritchard to Argentina to report on the state of that nation. The result, "Argentina's Wages of Sin," in the September *American Spectator*, is engrossing and informative.

Unlike most journalists, Evans-Pritchard thoroughly understands economics, and his report is largely about the tragedy caused by 40 years of hyperinflation. Everyone in Argentina, from janitors to multimillionaires, stashes dollars overseas; as the austral inflates (at a rate of up to 115 percent a month), houses, cars, and even television sets are bought with dollars. Stores raise their prices, on average, 15 percent a week. In 1943 the economies of Argentina and Australia were the same size; thanks to hyperinflation, Australia's GNP is now five times as large as Argentina's.

The blame for this mess, Evans-Pritchard shows, belongs to both the left and the right. In 1943 Juan Peron came to power, expelled British economic advisers, and installed as his chief economic guru a man named Raul Prebisch, who believed that the Third World could only be as productive as the West if the "terms of trade" were changed through policies of protectionism and autarky. Peron combined Prebisch's views with the domestic economic policies of Benito Mussolini, resulting in Argentine corporations bloated by monopoly. Nearly a fifth of the current Argentine budget is spent on corporate welfare.

Best myth-busting articles of late 1989: Ben Wildavsky's look at the not-so-trashy jobs at McDonald's and landfill archeologist William Rathje's analysis of garbage. (Plastic is the least of our worries.)

But Raul Alfonsin, president from 1982 to 1989, was nearly as bad. He manipulated the austral's price so drastically that most Argentines dumped their australs for dollars, flooding the market and accelerating hyperinflation.

The story Evans-Pritchard tells is a melancholy one, but not atypical of the Third World. I am sure that similar economic histories could be written about India, Nigeria, Egypt, and other nations, but are not published because they do not directly involve Americans or American interests. I hope *The American Spectator* publishes more pieces like Evans-Pritchard's. American readers need such journalism if they are to gain an accurate economic picture of the world.

Environmentalists love to ban useful products, such as styrofoam and plastic. Even fragrance advertisements in magazines have been attacked as unwanted pollution. In most cases, environmentalists argue that these products are flooding landfills and therefore should be outlawed. In the December *Atlantic Monthly*, William Rathje decisively refutes this charge.

Rathje is an archeologist at the University of Arizona who drills into old landfills to see what's inside. He found that most of the content of landfills is paper, only 1 percent is foam, a tenth of 1 percent is fast-food packaging, and less than 5 percent is plastic. Moreover, plastic, because it doesn't degrade biologically, doesn't leach toxic chemicals into the environment—as do newspapers, for example. And ordinary plastic takes up less space than "biodegradable" plastic, which has to be made thicker to be used for packaging.

"We forget everything that is no longer there to see," Rathje argues, noting that some kinds of trash have been reduced or eliminated over the years. In 1900, 1,200 pounds of coal ash were dumped annually in slums. Producers of orange-juice concentrate now sell the rinds for animal feed; earlier generations would have thrown them in landfills. While ignoring progress in waste reduction, alarmists point to an escalating rate of individual trash production. But Rathje cautions that we do not know how much trash each American generates: Estimates range from three to eight pounds per person per day, and "the higher estimates considerably overstate the problem."

Rathje's article represents what *The Atlantic Monthly* does best—a nonpartisan, objective analysis of a major issue that gives the reader facts he can use. The only question Rathje doesn't answer is whether it is ecologically correct to throw orange peels in the woods so birds can eat them. But that, perhaps, is another article.

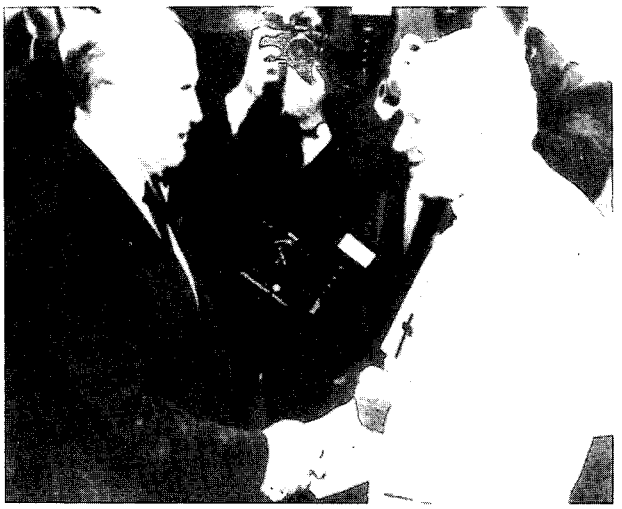
Martin Morse Wooster is the Washington editor of REASON.

CHURCH POLITICS

BY LAWRENCE A. UZZELL

Suppose the National Socialist Party still held a monopoly of power in Germany but now claimed to be pursuing "de-Hitlerization." The first question to ask such a party would clearly be, "How do you treat Jews?" The equivalent question for the Soviet Communist Party is, "How do you treat religious believers?"

Religion should be the key barometer for all Kremlin watchers who believe in freedom of conscience—not because theists deserve more rights than atheists or agnostics, but because they endure especially vicious persecution under Leninist regimes. Though the precise total will never be known, it is almost certain that more Christians have died for their faith at the behest of this one ideology than in the previous 19 centuries combined. Leninism preaches not mere indifference to religion, but militant hatred.



Mikhail Gorbachev meets John Paul II: Moves toward religious freedom are real, but tentative and reversible.

Furthermore, freedom of conscience is probably the most fundamental of all human rights. Governments that deny this right are denying the existence of any loyalties beyond politics; they are claiming jurisdiction over our very souls.

Russians will not be truly free until Moscow dismantles and repudiates such organs as the Council for Religious Affairs. In direct violation of Soviet claims about "separation of church and state," this body regulates almost every aspect of church life. It often blocks the opening of new parishes—even in villages hundreds of miles from the nearest church. Working with the KGB, it closely monitors individual priests and bishops, penalizing activities such as religious classes for children.

The laws enforced by the council may be summarized in one sentence: All organized religious activities are forbidden, except for formal worship services in state-registered churches. In essence these laws reduce Christianity and other religions to purely ceremonial "cults," barring evangelical or charitable activities beyond that role.

For most of the Soviet era, these laws have been vigorously enforced. The state has even gone beyond them in persecuting religion—for example, by barring believers from the most desirable jobs and educational opportunities, thus violating its own laws against discrimination. Though such discrimination is still common, the Gorbachev era has seen significant relaxation in other areas.

Most prisoners of conscience have now been released (though not formally rehabilitated). The secular media now frequently carry sympathetic stories about church life—even criticizing officials of the Council for Religious Affairs. About 2,000 Orthodox churches, seized by previous Soviet governments, have been allowed to reopen—though at least 50,000 more remain closed. Officials have announced the legalization of the Ukrainian Catholic Church, outlawed since 1946. In one especially striking reform, the government now openly encourages churches to provide volunteer workers for hospitals and nursing homes, violating its own laws against religious charities.

Welcome as such changes are, they have two glaring weaknesses. First, they depend entirely on the administrative discretion of Gorbachev and his appointees. As of this writing, the Stalin-era Law on Religious Associations is still on the books, and Russians are still not protected by anything like an enforceable bill of rights or common-law tradition. If Gorbachev is ousted by a hard-line faction—or if he decides to appease the hard-liners by reversing course—the recent concessions could be revoked overnight.

Second, even seemingly dramatic improvements can turn out to be meaningless in the topsy-turvy world of Soviet "legality." Given well-established precedent, it would not be surprising for the Supreme Soviet to proclaim that it is junking the Stalinist laws but for the actual behavior of the KGB and the Council for Religious Affairs to remain unchanged. That is precisely what happened when Moscow pledged adherence to the 1948 United Nations Declaration of Human Rights and to the 1975 Helsinki Final Act.

For the last two years, Soviet officials have been telling human-rights activists that a new law guaranteeing freedom of conscience is on the way. Action has repeatedly been postponed, but Gorbachev has now raised the stakes by publicly reaffirming this pledge at his December meeting with Pope John Paul II. Early in 1990, a new law may finally be passed. Even if this law seems to meet Western standards of freedom, we should

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withhold our applause until we see whether and how it is enforced.

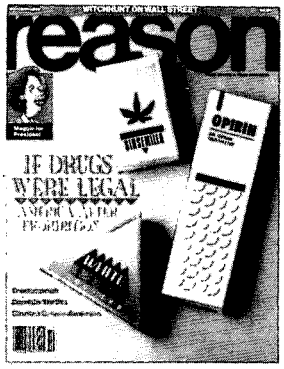
We should also be alert to more-subtle forms of antireligious repression. For example, the Council for Religious Affairs controls churches from within through its veto power over the selection of bishops and other leading members of the clergy. As long as the churches are led by people who owe their jobs to atheists, they can hardly be called "free."

If the Gorbachev regime truly wanted to unchain religious believers, it would abolish the Council for Religious Affairs completely. Instead, it has in some ways been moving in the opposite direction. The newly appointed chairman of the council, Yuri Khristoradonov, has an unsavory record as Communist Party leader in Gorky, where he fought efforts to increase the tiny number of functioning churches. And the KGB apparently now has a license to dispose of religious activists through mysterious "traffic accidents."

One independent journal, the *Bulletin of the Christian Community*, published by gulag veteran Aleksandr Ogorodnikov, has seen three of its staffers and associates die in such "accidents" since late 1988—including Ogorodnikov's brother. In November it lost its new computers and other printing equipment to armed robbers, who "escaped" without difficulty past the KGB agents who constantly monitor the *Bulletin*'s office.

On questions such as religious freedom, Westerners have a built-in progressive bias. Observing that Russians enjoy greater liberty today than they did a few years ago, we tend to assume that further improvements are inevitable—mirroring the gradual development of tolerance and pluralism in our own countries. Most Russians are far more skeptical. They remember how Stalin relaxed his antireligious policies during World War II to rally the nation against the German invaders but cracked down again once the crisis was past. We should not assume that we can predict the Soviet Union's future better than its own people can.

Lawrence A. Uzzell is a John M. Olin media fellow at the Hoover Institution.



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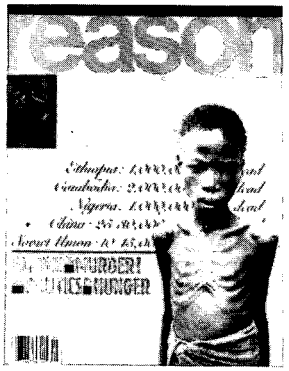

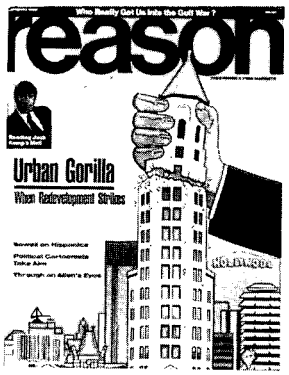

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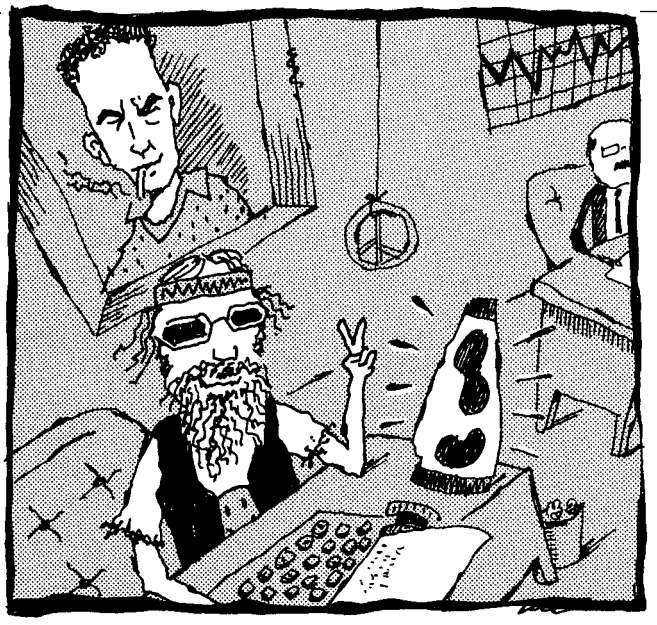
ADIEU, ADIEU, ALBERT CAMUS

BY JOE QUEENAN



This story starts off on an ominous note, fusing French existentialism, magazine fact checking, and the potentially lethal influences of Allan Bloom and Bill Bennett. But it picks up nicely, has an important moral, and only lasts around 1,000 words. So please bear with it.

A few months ago, I wrote a story about socially conscious rock stars, noting that U-2 lead singer Bono Vox has a tendency to quote from Albert Camus. *Forbes* has a rigorous fact-checking procedure, so a few hours after the story was edited, a fact checker ambled into my office. Writers always view fact checking with dread—I was once asked for Al Jolson's phone number—but nothing in my past could have prepared me for the terrifying question I was asked that afternoon.

"In your story you mention this guy Albert Camus [pronounced Kammis]," he began. "Who is he?"

What in blazes? Who was Albert Camus? Who was Albert Camus??? Was this guy serious?

I tried the diplomatic route: "I can't believe you don't know who Albert Camus is."

"Well, I don't, so please tell me."

"What did you major in in college?"

"Agronomy."

"That explains it."

Well, it did, and it didn't. True, there was no reason that the works of Albert Camus should turn up in any agronomical curriculum, so it was theoretically possible for a person to get through college without ever being exposed to his vast influence. But this was a 27-year-old reporter working for a magazine located in the heart of Greenwich Village. The fact that he had never come across the name Albert Camus in his reading, chats, or dates with girls from Bard could mean only one thing: that Albert Camus, one of the heroes of my youth, was fading out of the collective consciousness. Forever.

For the first time in my life, I felt the way aging gin monkeys must feel when they sit around the taproom rhapsodizing about Honus Wagner and Bronco Nagursky with some yuppie bartender who figures they're talking about rent-a-cops working the night shift at the G.M. plant. For a philosopher, Camus was a man of that very same stature—the Gehrig of gloom, the Marciano of moroseness, the Aaron of angst. Yet our fact checker didn't know who the hell he was. It was enough to break your heart.

Anyone who went to college in the 1960s will know why, because the 1960s was the Golden Age of Pretentiousness, and in the Golden Age of Pretentiousness, no one was more persistently, indefatigably pretentious than Albert Camus. Not McLuhan. Not Heidegger. Not Hoffer. Camus, of course, was the French philosopher who co-founded existentialism with Jean-Paul Sartre in the 1940s. Camus actually invented the idea that life is absurd, though Hitler got credit for proving it. Patents for many of his other ideas—life is boring, life is meaningless, life eats it raw—can be found in the Library of Congress, in the Gray Room.

In his heyday, Camus headed a pantheon of unbelievably flatulent characters including Carlos Castanede, Frederich Schopenhauer, Frederich Nietzsche, and Ludwig Wittgenstein. But Camus had one great advantage over these other guys: You could actually read him. This meant that you could get in on pretentiousness on the ground floor, without putting in all the legwork you had to do with Kant and Hegel. No, unlike all those German proto-crypto-fascists, the Frenchman wrote accessible prose exploding with the most exquisitely smug, half-baked, undergrad banalities:

"Men die and they are not happy."

"Today, my mother died. Or was it yesterday?"

"Every artist preserves deep within him a single source from which, throughout his lifetime, he draws what he is, and what he says. When the source dries up, the work withers and crumbles."

As my colleague Stewart Flack puts it, "Albert Camus didn't write *The Plague*; he was *The Plague*."

Though Camus was an underground favorite in the late '40s and early '50s, he didn't really break out nationally until the mid-'60s, a decade after his death. That's when millions of pretentious 17-year-olds were starting college. I was one of those pretentious youths and can well remember the path that led me to Camus. I started out at age 15 with Kahlil Gibran, then moved on to Herman Hesse's *Glass Bead Game* at age 16, before stumbling upon the writer whose fashionably nihilistic philosophy would perfectly mesh with mine until I

BOB ECKSTEIN

started pulling down more than $50,000 a year.

But I had another reason for feeling such affection for Camus: If it hadn't been for him I might have ended up in Southeast Asia. I grew up in a poor section of Philadelphia, and lots of my classmates went to 'Nam. I might have joined them, because my high school grades were just so-so, and in order to swing a scholarship to college, I had to convince the Jesuits at St. Joseph's College that I had the goods.

So the day I showed up for my interview with the dean of admissions, I deliberately softened him up with some second-rate material—Ayn Rand, J.D. Salinger, Jack Kerouac, Teilhard de Chardin—before going to Powder River: Camus. I sprang Big Al on him just as the conversation was starting to wane and I could see that I'd registered a hit: "The kid knows Camus. He's pompous enough to be a Jesuit. Let's put him in the Honors Program."

Yes, me and the big fella go back a long way, so after the fact-checking incident, I decided to conduct an informal poll to see how badly Camus had slipped. A literary agent assured me that sales of *The Stranger* and *The Plague* were still brisk but cautioned that this was mostly because of college courses. On a discordant note, my local bookstore—which prides itself on its literature section—has no copies of Camus's important works and reports no recent requests for Camus titles. And an informal poll of 30 friends is hardly reassuring: A full quarter have never heard of Camus, and of those who have, eight don't know what he did for a living. So there are no two ways about it: The dude is in trouble.

Let me make it clear that I am not one of those burned-out '60s types who cannot let go of the past. I do not spend the weekends playing Leonard Cohen or Gabor Szabo albums; I rarely quote Heidegger; I have never owned an M.C. Escher print; and I do not have *The Collected Richard Brautigan* poised next to my night light. Still, I am not yet ready to make a complete break. I can live without Pound's *Cantos*, The Incredible String Band, Samuel Beckett, and Imamu Baraka. I can get through the rest of my life without Ravi Shankar, Pentangle, Carlos Castanede, Fairport Convention, or the Firesign Theater. I can stay the course without Ludwig Wittgenstein, Steeleye Span, or Herman Hesse.

But Albert Camus and I are not parting company without a struggle. We've been through a lot together, and I was kind of looking forward to the year when Pretentiousness makes its big comeback. If that comeback is not to be, if the younger generation has already decided that it doesn't need, doesn't want, doesn't even know Albert Camus, then it's probably time for me to pack it in as well. Because if Albert Camus's going, goddamn it, I'm going with him.

Joe Queenan is a senior editor at Forbes.

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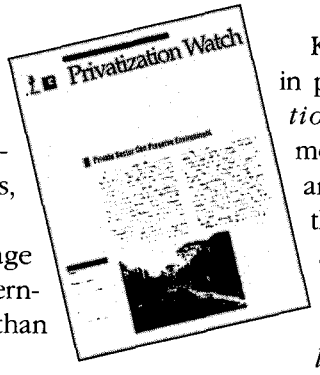

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GENTLE BEN

BY ALAN PELL CRAWFORD

In case you didn't already know—and you'd have to have spent the last several months on another planet not to—Benny and Alice have been getting it on. Further identification probably isn't necessary. Most of us feel we've been on a first-name basis with Benny, anyway, throughout the four-year run of "L.A. Law" on NBC, which is a tribute to the show's writers and to Larry Drake's portrayal of McKenzie, Brackman's mentally retarded file clerk.

The same sort of friendly familiarity is generated by Chris Burke and the creators of ABC's "Life Goes On," which features Bill Smitrovich and Patty Lupone as the parents of a retarded teenager who is sent to high school with brighter youngsters after years of special ed. What's notable about the series, which is far more simpleminded than "L.A. Law," is that Burke, who plays the retarded boy, Corky, has Down's Syndrome himself.

Both networks should be commended for tackling the subject of mental retardation—and for doing so, for the most part, with thoughtfulness and good humor. That said, this writer—a Bennyphile from way back—is beginning to have his doubts.

I was encouraged early in the season when it became clear from the opening credits of "L.A. Law" that the writers had a bigger role in mind for Benny. He now figures more prominently in those introductory scenes (as Emmy winners tend to do), and in the first two episodes of the season Benny's misadventures as a novice Romeo monopolized the attention not only of the viewers but of the entire McKenzie, Brackman workforce as well. And it was here that I began, first to squirm, then to seethe.

Larry Drake as Benny: The bigger role is welcome. But Benny's simpleminded wonderfulness grows tiresome.

Every one of the law firm's employees seems to know about Benny's sex life and his relationship with Alice (Amanda Plummer), who is also mentally retarded. Most of them appear to have discussed the intimate details among themselves, and a number have seen fit to counsel Benny on the subject and—with astonishing presumption—to speak sharply to Alice's father, one of the firm's biggest clients, about his decisions regarding her.

This is not surprising, considering the self-righteousness of the firm's lawyers. It is remarkable, however, that their meddling is presented as evidence of virtue, grounded as it is in their deep concern for Benny—and for Alice, whom they hardly know. Alice's chief advocate is Abigail Perkins (Michele Greene), to whom Benny once showed a photocopy of his girlfriend's face.

"L.A. Law" is taking great pains to show that the retarded, like republicans, are people, too, and this is a laudable goal. Whether its creators have the good sense to pull it off—or whether the series itself is not too slickly sleazy a setting for such a message—is becoming increasingly questionable.

Consider the season's second episode, in which Benny's overseers resolve to lecture him about responsible sex, and Victor Sifuentes (Jimmy Smits) takes him condom shopping. If this wasn't the kinkiest—and most manipulative—single episode ever presented in network television drama, you can't say "L.A. Law" didn't try. While Benny learns about his sexuality, the lawyers are working on three cases, each of which is to tell us something—just what, isn't clear—about our own.

Grace Van Owen (Susan Dey) is prosecuting a Fred Rogers look-alike accused of embezzlement. He's not responsible, he says, because he was under the spell of his dominatrix secretary, who told him to do it. "They used to play games," the man's attorney explains. "He'd clean her bathroom, and for a reward she'd let him chew on one of her sweatsocks." Found guilty, the defendant is overcome by gratitude. "Thank you, Mistress Van Owen," he cries. "Let me lie face down in your dirty bathwater!"

Meanwhile, in a subplot that mixes miscegenation with misogyny, Michael Kuzak (Harry Hamlin) defends an elegant black college professor accused of bludgeoning to death a white student with whom he was having an affair. "This man is fluent in Russian. I know he's innocent," Kuzak tells Van Owen, implying a correspondence between human decency and a high I.Q. that Benny's good-heartedness, and the defendant's apparent guilt, are supposed to disprove.

Finally, Arnie Becker (Corbin Bernsen) is up to his old tricks, though his violence is only psychic. This time the wily divorce lawyer ignores the objections of a well-meaning client who wants to spare her children and her soon-to-be

ex-husband the pain of an acrimonious divorce. Arnie delves into the man's military record. He discovers that the husband's less-than-honorable discharge was the result of a homosexual incident and accuses him of trying to "beat up" his wife in a divorce settlement "to prove you're a man." (Arnie has earlier announced at a legal conference that he is willing to settle but certainly won't "bend over and drop my pants.")

It is against this steamy tableau of sadomasochism that Benny's sexual awakening is presented, and his sexuality is predictably sweet, sincere, nonthreatening, and uncomplicated. The objective here is no doubt to convince us that retarded people can be sexually "normal." This, too, is probably a worthy goal, but I have deep reservations about how "L.A. Law" has tried to achieve it.

First, it is not necessary to depict the rest of humanity as hopelessly depraved to make the case. This approach suggests, in fact, something altogether more problematic: that by virtue of his slow-wittedness Benny is if anything *more* "normal" than the rest of us. I'm not sure the minds behind "L.A. Law" would be able to tell us what that means, or, if they could, that they would be able to convince us it is true.

Second, there seems to be something degradingly patronizing about the assumption that a retarded adult's sexuality, or any other aspect of his nature, is necessarily less complicated than anyone else's. I'm not sure that's true, either.

Unfortunately, "L.A. Law" has been giving us this sort of simplistic message week after week, and receiving high marks for it. There have been exceptions. There was an intriguing episode last year, for instance, in which Benny, wrongly accused of assaulting a woman, wrestled with his own sexual ignorance and confusion, and out of that struggle we were allowed to glimpse his basic decency.

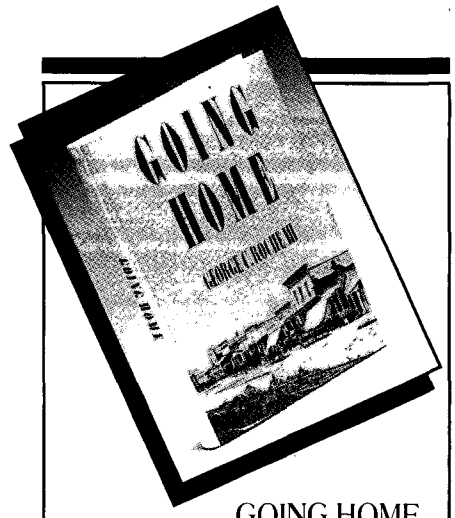
In another episode, Benny received flowers from a sexy business associate of Arnie's. When Benny discovered that her interest was in Arnie and not him, he was allowed to show outright rage, an emotion that has otherwise been denied him throughout the series, despite the fact that the frustrations of his life must be considerable. Such moments are all too rare now, and Benny's simpleminded wonderfulness is getting a bit irksome—and maybe even harmful to the cause his character is supposedly doing so much to advance.

To convince us that mentally retarded people are sexually "normal," it is not necessary to depict the rest of humanity as depraved. And it is patronizing to assume that a retarded adult's sexuality is less complicated than anyone else's.

That may also be the case, unfortunately, with Corky in "Life Goes On." While aimed at a decidedly different audience, ABC's hyper-heartwarming "family drama" is no less guilty of condescension. Burke brings a good deal of charm to the role—many times more, certainly, than do his two screen sisters, played by Monique Lanier and Kellie Martin, neither of whom suffers from any recognizable handicap other than utter charmlessness.

But at least in the episodes I have seen, Corky, like Benny, is preposterously cheerful, trusting, loyal, and kind. He is long-suffering and even docile, his role almost interchangeable with that of the family dog, Arnold. The only thing that would prevent the two from switching parts, in fact, is that Corky speaks and Arnold doesn't. And until "Life Goes On" can do better than that, its contribution to a deeper understanding of the retarded, like that of "L.A. Law," will remain limited at best.

Alan Pell Crawford has written for The Nation, Vogue, *and* National Review.



GOING HOME
by George Roche

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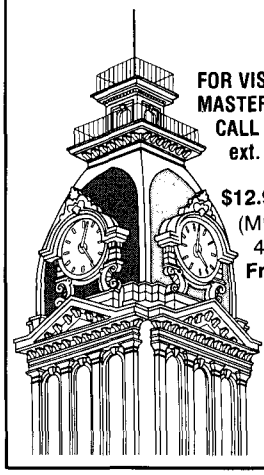

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MINDING MANNERS

BY DAVID BRUDNOY

One of the unresolved dilemmas of the American experiment is the thus-far unsatisfying reconciliation of democratic manners and the tendency of people to create and then treasure differences of rank and station and circumstance. We prattle about our republican virtues, even requiring new citizens to renounce foreign titles and forbidding public officials to accept them. (Attitudes about this are so severe that even the recent knighthood for Ronald Reagan had to be of the honorary sort.) But we also seem to slaver over royalty, whether domestic—oh those Kennedys—or foreign, especially British.

Judith Martin, P.J. O'Rourke: Can manners survive democracy?

Americans appear to want it both ways: to disdain, rhetorically, that which isn't democratic; and to crave, in practice, that which precisely is least democratic. Edmund Burke caught the flavor of the paradox, when in his speech on conciliation with America, he observed: "Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole world of that commerce which now attracts the envy of the world."

About 30 years later, William Wordsworth approached the problem with simplicity: "Oh!...give us manners, virtue, freedom, power." And in that sense of manners having something to do with freedom, we find perhaps the antithesis of the commonly held notions that manners are a straitjacket on liberty and that they are the province of the mighty, or at least the rich, alone. In *The Foundation of Morality*, Henry Hazlitt noted that "both manners and morals rest on the same underlying principle. That principle is sympathy, kindness, consideration for others....Manners are minor morals."

For ages people, usually women, have provided guidebooks to manners. Emily Post comes most quickly to mind, and following in her wake many others have attempted to move the concept of manners beyond the mere cataloguing of proper usage of forks. Letitia Baldridge capitalized on the fascination with manners as signposts for successful, if not necessarily moral, behavior.

But to see manners as providing freedom instead of as limiting freedom requires a lateral view, bringing us to the most current writers on the subject: the ironist P.J. O'Rourke and the impeccable Miss Manners, Judith Martin. Miss Manners has produced three monumental tomes, most recently *Miss Manners' Guide for the Turn-of-the-Millennium*, and most concisely, and most apropos for our subject of democratic manners, her tiny gem, *Common Courtesy: In Which Miss Manners Solves the Problem That Baffled Mr. Jefferson*. Here we get a balanced examination of the problem of reconciling democratic manners with the liberating power, the freedom, of real and really effective manners.

President Jefferson went hog-wild with his insistence on obliterating distinctions between gentlefolk and the common lot of humankind, a distortion of "all men are created equal" into all people are created equally without standards. Miss Manners insists that "in do-your-own-thing America, there is no longer much distinction between etiquette, the rules of behavior, and manners, the social premises from which they are derived. As the latter are constantly undergoing revision, one can get into serious trouble merely by following the simplest habits of one's youth. A gentleman who thoughtlessly defers to a lady can find himself labeled a pig; a young person taught to address elders in terms of respect may be scolded for making them feel old."

If manners are seen as erecting invidious distinctions instead of providing for common courtesies and gentleness; we shouldn't be surprised that the generations regard each other warily, each feeling "affronted by the others, taking even the most surface choices for challenges....The person who refuses to dress appropriately for formal occasions 'because my jeans are really me' achieves a sense of moral superiority from the simple act of offending social convention."

The sticking point, of course, is precisely that central conundrum of the American experience: how to extend the blessings of freedom to all without sinking to the lowest common denominator of barbarism. Try to find a person whose manners are by common consensus "exquisite" without simultaneously finding a pompous ass. Likewise, short of the occasional Will Rogers, try to find a truly democratic "aw, shucks" man of the people without landing smack dab in the province of the hick, the kind of person who wears prole caps bedecked with ads for his favorite brew.

Mark Twain took the cockeyed view

O'ROURKE: MEDORA HEBERT

of the matter: "Good breeding consists in concealing how much we think of ourselves and how little we think of the other person." And P. J. O'Rourke, in his *Modern Manners: An Etiquette Book for Rude People*, moves right off the scale with his tongue planted so firmly in his cheek that he can find no room for a joint. O'Rourke instructs us how to offend everybody with mad abandon, how to infuriate one's hostess by unspeakable behavior, how to flay alive the pretensions and appeals to maudlin sympathy of every fashionable minority, how to cultivate the right sort of well-bred stupidity, how to dress and eat and drink and take drugs so offensively as to discombobulate everybody.

A typical offhand thought from P. J.: "Another function of strange youthful clothing is to help fight racism. When ordinary white middle-class kids dress in an astonishing and highly irritating manner, it gives the police and uneducated southerners someone new to pick on. This takes the heat off Negroes, Hispanics, and Jews." Manners, modern-day style.

Between Miss Manners, who believes that democratic manners are possible and desirable—and, more important, easy, once one recognizes that common courtesy is at their core—and Mr. O'Rourke, who flips everything over on its head to alert us to the silliness of much that masquerades as manners, there is the perception, waiting for us with a smile, of Henry Hazlitt. We live in an age in which first-naming everybody (except, maybe, popes and presidents) is de rigeur. And after we hear and then promptly forget the last name, and sometimes the first, we immediately leap to asking someone what he does. Asking what he earns comes in about five minutes. And asking him what he does in bed comes soon thereafter. "Minor morals," said Hazlitt. Crass familiarity, say Americans by our everyday actions.

Americans in general live in a shimmering twilight zone between barbarism and pretense, dressing like savages when not fixating on such excrescences of crummy manners as the recent Malcolm Forbes shindig in Morocco. We've leaned too far in the direction that Thomas Jefferson wanted to take us, though some gallop over to the other extreme and turn manners into a rigidity beyond endurance. The chore for Americans is not slight but it's elementary: attenuating differences of station without erasing manners entirely.

As we try to get through the day without shrieking at strangers, we would do well to remember Grandma's sage advice: "A smile is less trouble for the facial muscles than a frown, and 'please' and 'thank you' slide painlessly off the lips." Democratic manners amount, really, to being kind.

Contributing Editor David Brudnoy is WBZ *Radio's late-night talk host and a film critic for the Tab newspaper chain. He has impeccable manners.*

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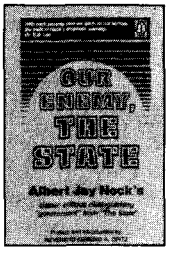

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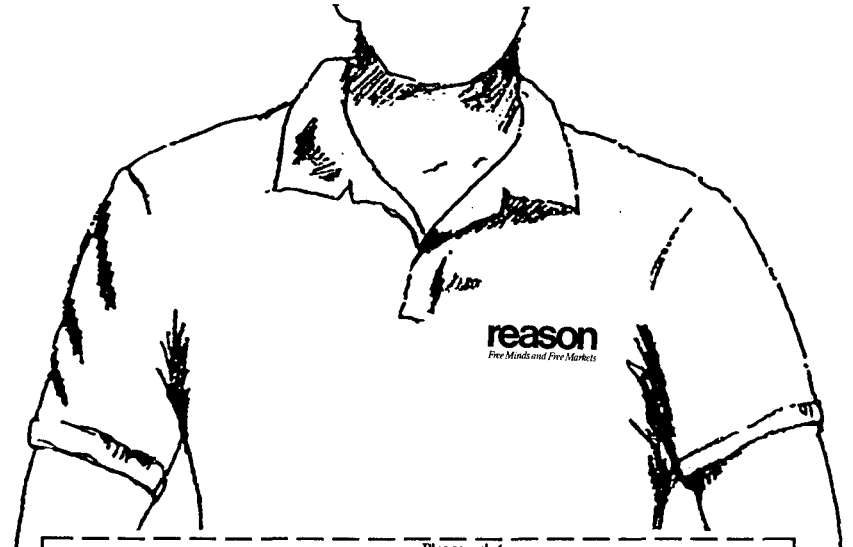

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Separation of School and State

BY MARTY ZUPAN

Privatization and Educational Choice, by Myron Lieberman
New York: St. Martin's Press, 372 pages, $35.00/$12.95 paper

The Berlin Wall is down, East Bloc politicos avoid the dread C-word, Hungarian reformers even talk behind closed doors of a free market in currency. And in the United States? We can barely muster a fundamental questioning of a vast socialized enterprise that will directly affect nearly every person in the population and is the subject of widespread popular complaint and hand wringing in the highest circles. The schools.

Per student, governments have more than doubled expenditures on public education in the last 30 years. Not that this has improved the product or even maintained quality. Instead, test scores continue to decline, campus crime is a nagging problem, the dropout rate inches up, and teachers increasingly go out on strike.

With a record like that, and the public policy experience of the '80s, you'd think the word *privatization* would be on a lot of lips. Instead, the captains of industry, dismayed by the declining smarts of the labor force, are into business-and-school "partnerships." Citizen activists, intent on more parental say, are trying to take over school boards. And in a few but increasing number of cases, reformers are achieving a modicum of school choice within the system.

Myron Lieberman, in *Privatization and Educational Choice*, has the temerity to suggest why none of these hot tickets will achieve its promised improvements on any scale that matters. They all fail to challenge the basic structure of the educational system: who makes decisions; how they are made; who benefits and who loses, and in what proportion. "My view," he writes in the opening pages of his book, "is that...the only ways to improve American education are to (1) foster private schools that compete with public schools and among themselves and/or (2) foster for-profit competition among service providers within the public school system."

Lieberman has two powerful things going for his analysis. First, he knows the system inside and out, having been a consultant to education agencies at all levels of government, negotiated school district contracts with teachers' unions in six states, and written several previous books on the subject of education, along the way actually changing his mind because of the evidence. And second, Lieberman deploys the insights of the public choice school of economics.

He can thus be quite specific about the multitude of ways in which the system frustrates efficient, consumer-oriented delivery of education services. (How about state laws mandating that at least 55 percent of the school budget be spent on teachers' salaries? How about union contracts that prohibit teachers from meeting with parents after school hours?)

And he can put his finger on *why* this is the outcome of the system. At the local level, decisions are ultimately governed by a politically elected or appointed school board that ideally is made up of public-spirited citizens but in reality is made up of people who seek the support they need to obtain or remain in office—in the classic public choice situation of concentrated benefits (to teachers and support personnel) and diffuse costs (borne by taxpayers and parents). And although local decision making is also much determined by state laws, and nationally more than half of public school revenues come from state governments, the public choice dynamics are the same: Elected officials tend to act in the interest of the vocal, concentrated minority, often to the detriment of the diffuse majority.

Unfortunately, Lieberman's attempted pro and con analysis of contracting out and vouchers is flawed. Among the various ways to "privatize" that he lists, he sees these as the main alternatives for achieving a market-oriented, consumer-driven mode of decision making.

Not taking public choice insights to heart when it comes to solutions, Lieberman starts off on the wrong foot with an overbroad definition of privatization that even includes tax exemptions for nonprofit schools. And, like most privatization advocates, he emphasizes contracting out and vouchers. But these are not privatization either. If a government, instead of using its own employees, purchases education services from independent contractors, this does not move

education into the private sector. If a government hands out vouchers that parents can use to purchase education at the school of their choice, *this* does not move education into the private sector.

Public choice analysis is not only a powerful tool for explaining the failures of government activities. It is also a powerful tool of prediction. It tells us that if purchasing decisions will be made by politically driven bodies (contracting out) or spending decisions will be made in the political arena (vouchers), we are not going to achieve the virtues of the marketplace: cost consciousness, innovation, diversity, customer satisfaction, efficiency.

The scandals, overt and subtle, that plague the government's contracting out of weapons production should temper Lieberman's sanguine assessment of for-profit contractors' incentives to operate efficiently. And years of experience with federal grants and loans to college students should give us a good picture of how the political dynamic would operate to continually increase the amount of the voucher benefit and, in tandem, suppliers' "costs," with government becoming ever more involved in the details of what the provider and the "customer" may and may not do.

True, under Lieberman's "privatizations," the alliance of concentrated beneficiaries would shift and education would likely improve some. But the bottom line is that the system would still be politically driven and rife with the problems that entails.

Currently popular education reforms are probably as useful as Mikhail Gorbachev's early attempt to get the Soviet economy moving—restricting the supply of vodka and exhorting bureaucrats to be more efficient. The changes analyzed by Lieberman are better, about on a par with Gorbachev's late-'80s moves to imitate the market without actually getting down to private-property basics. We await, and desperately need, a popular, persuasive proposal for a truly radical restructuring of our socialized education system. What it would mean in practice to get government out of the business of providing, of funding, of regulating, and, yes, of mandating education—what the education industry would look like, what social arrangements people might develop to assist with the education of the poor, what historical precedents could be drawn on—this is an area ripe for exploration by intellectual entrepreneurs.

Critics will say privatization isn't politically feasible. Even contracting out and vouchers face an uphill battle against the beneficiaries of the status quo. But as Lieberman notes, in one of the gems to be found in this not very well written book, people's attitudes toward government versus private activity can change. "Religious history provides an illustration of the possibility," he observes. "In some countries religion was formerly a state affair....Today, however, religion has been left to individual decision and support in many of these countries. Although important differences still exist on the matter, the American people as a whole clearly support the privatization of religion; this support is frequently expressed as support for 'separation of church and state.' In terms of our categories of privatization, the separation of church and state is an example of load shedding—that is, government withdrawal of support as well as provision of service."

The idea of religious freedom as an instance of "load shedding" (can't proponents of true privatization come up with a better name than that?) may strike one as humorous. But it is also insightful and could come in handy in attempting to convince the American public that nothing short of separation of school and state will really improve our children's educational prospects.

Marty Zupan is vice president of professional programs at the Institute for Humane Studies.

Zapping the Do-Gooders

BY MATTHEW KIBBE

The Real Frank Zappa Book, by Frank Zappa, with Peter Occhiogrosso
New York: Poseidon Press, 352 pages, $19.95

He is one of rock 'n' roll's celebrated heretics, most famous (or infamous) for his outrageousness, his libertine poetry, and his mustache. He is also an accomplished musician and composer who takes his music very seriously. Whether conducting the London Symphony Orchestra, programming a Synclavier, or squeezing never-before-dreamed-of notes from his Gibson Les Paul, Frank Zappa has always challenged conventional wisdom with his unorthodox approach to music. From his point of view, "without deviation (from the norm), 'progress' is not possible."

Zappa discusses both his antics and his music in his first book, an autobiography aptly titled *The Real Frank Zappa Book*. He even dispels a few myths. For those few of you who were actually wondering, the answer is no, Captain Kangaroo is not Frank's dad.

What some readers will probably not expect to find in a book written by Frank Zappa is a passionate defense of personal freedom, principled individualism, and a limited-government, even libertarian, view of the world. But sure enough, Zappa sometimes sounds more like one of Ayn Rand's fictional heroes than your average garden-variety rock star. Says Zappa: "I believe that people have a right to decide their own destinies; people own themselves. I also believe that, in a democracy, government exists because (and only so long as) individual citizens give it a 'temporary license to exist'—in exchange for a promise that it will behave itself. In a democracy, you own the government—it doesn't own you.

"Along with this comes a responsibility to ensure that individual actions, in the pursuit of personal destiny, do not threaten the well-being of others while the

'pursuit' is in progress."

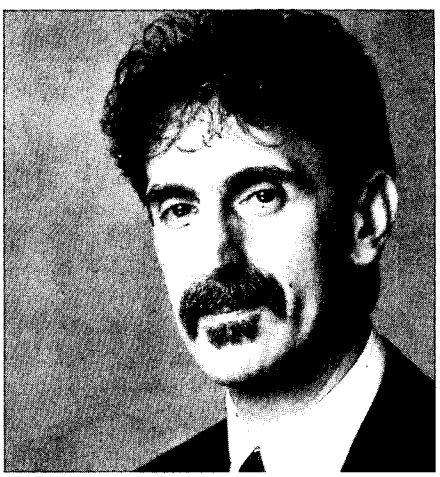
This, from the man who sings "Titties 'n' Beer" with a (fairly) straight face.

Some libertarians not acquainted with his music began to take notice of Zappa in 1985, when he first confronted "Big Mother"—Tipper Gore's well-connected Parents Music Resource Center (PMRC)—and her attempt to "label" (read "censor") certain "undesirable" forms of music. During testimony before the Senate Committee on Commerce, Technology, and Transportation, Zappa scornfully referred to the PMRC's proposal as "an ill-conceived piece of nonsense which fails to deliver any real benefits to children, [and] infringes the civil liberties of people who are not children." The Recording Industry Association of America (RIAA) eventually capitulated anyhow, agreeing to implement the PMRC's system of "voluntary" labeling.

Why? Zappa suspects that more than self-righteous moral fervor was at play here. Sounding a little bit like Nobel laureate economist James Buchanan, Zappa argues that the whole debacle was a simple case of an organized special interest (the well-heeled RIAA) snuggling up to legislators (and their wives) in order to get their pet legislation introduced in Congress—in this case, a tax on sales of blank cassette tapes. As Buchanan has been arguing for years, the very individuals whose interests are being traded away—the public—have very little influence on the outcome of this political interchange. Buchanan refers to this process as political "rent seeking." Zappa prefers the term "extortion."

Beyond Buchanan-style public choice arguments, Zappa sees a more fundamental moral argument against the government-as-mother perspective of the PMRC. "A lot of people who cry out for government intervention or, as Tipper Gore called them, 'consumer tools,' to help raise and control their children are people who are just too lazy to do it themselves....Grandma never would have put up with this shit."

His point is well-taken. In any relatively free society, the freedom to choose always comes with a burdensome responsibility, especially for parents concerned about the welfare of their children. If a mother doesn't want the term *masturbation* in her 11-year-old daughter's vocabulary, why not take the time to listen to the music she's listening to? Parents cannot come to expect a legion of government agencies to raise their children for them merely because they can't find the time. Of course, "offensive" is more gray than black and white. When some members of the PMRC complain about pornographic music, they're really talking about *Purple Rain*.



Frank Zappa: "You own the government —it doesn't own you."

Zappa is equally articulate on other issues. On drug prohibition, for instance, he sometimes echoes the views of Milton Friedman, although it's a safe bet that the two men have never met. Zappa sees a direct cause-effect relationship between prohibition and drug-related crime and worries that government attempts to control illegal drug use produce results far worse than the problem itself. "Alcohol Prohibition," Zappa observes, "introduced us to the thrilling exploits of wise-guy gangsters, supplying the entertainment needs of a booze-guzzling public—held hostage by a truly stupid piece of legislation. Prohibition today has produced cartels of international party-boys who take in enough cash daily to finance the LBO of any corporation on the planet."

Maybe the real Frank Zappa isn't too mysterious after all. Perhaps he's just a real-life Howard Roark with a human sense of humor. In an era where Big Government do-gooders spend their tax-financed days attempting to replace the free choices of individuals with the central scrutiny of more "enlightened" social policies, many will find Frank Zappa's modest proposals a welcome change.

More important, you will also disagree with him, and he doesn't really care. "It has never mattered to me that thirty million people might think I'm wrong," says Frank. "The number of people who thought Hitler was 'right' did not make him 'right.' "

Matthew B. Kibbe is senior economist at the Republican National Committee, a doctoral student in economics at George Mason University, and assistant editor of Market Process. *Nothing written here is intended to reflect the views of the Republican National Committee.*

The Choice of Life

BY TOM G. PALMER

Individuals and Their Rights, by Tibor R. Machan
La Salle, Ill.: Open Court, 300 pages, $32.95/$16.95 paper

It has been 15 exciting years since the publication of Robert Nozick's *Anarchy, State, and Utopia* made classical liberal political philosophy respectable once again. Nozick artfully drew out the implications of the idea that "individuals have rights, and there are things no person or group can do to them" without violating their rights. He offered little or no argument, however, in defense of this basic presumption, leading the philosopher Thomas Nagle to charge that Nozick had advanced a form of "libertarianism without foundations."

Quite recently, a number of very fine books have appeared that attempt to pro-

GREG GORMAN

vide foundations for individual rights. Notable among them are H. Tristam Engelhardt, Jr.'s *The Foundations of Bioethics*, Henry Veatch's *Human Rights: Fact or Fancy?*, Loren Lomasky's *Persons, Rights, and the Moral Community*, Jan Narveson's *The Libertarian Idea*, and now Tibor R. Machan's *Individuals and their Rights*.

Machan's book, in the natural-rights tradition, is in many ways a sophisticated elaboration of Ayn Rand's distinctive approach. Machan goes to great lengths to show that a naturalistic foundation can be provided for moral claims; that what distinguishes moral action from mere behavior is freedom of choice; that the choice of life—specifically the choice of human life—provides the context of all morality; that the commitment to a human life entails responsibility for doing well in our own lives; and that political philosophy cannot be divorced from deeper foundations in ethics.

I must confess that I had never been able to make any sense of the Randian focus on the "choice of life" as the foundation of morality until I read Machan's book. Why should the question of suicide be the foundation of all morality? And, given that one does not kill oneself, and hence (by default, as it were) "chooses" to live, how does that generate moral norms?

As Machan argues, "human existence suggests a distinctive ontological domain, different from all others." Hence, it is wrong to take the deterministic path, for "human beings can choose either to reject or to pursue life and this introduces the distinctive domain of self-determination." Machan focuses on a central, determining act of choice, which he sees as a yes-or-no commitment to a rather definite project. "Given that the life one has chosen to live is that of a human being, a rational animal, one ought to carry on one's life by considering its nature and its circumstances in a careful, sensible, rational fashion and guide oneself in the light of the results." The choice generates the obligation, but there seems to be little or no obligation for the choice itself. This may, however, be no fault of the argument but simply a sign of the corruption of the questioner who asks, Why live at all?

Perhaps the strongest feature of the book is Machan's rejection of the idea that natural law is derived deductively from analysis of ideas or contemplation of timeless essences. The essence of man is not an idea in the mind of God. As Machan expresses the matter, essence is an epistemological and not a metaphysical concept. As I understand him, that means that essences are not timeless in the way that metaphysical truths (for example, the law of the excluded middle) are, but may be revised in the light of experience. (This seems to lead to the somewhat embarrassing conclusion that the nature of a thing changes when I learn more about it. I think that there is a way out of this trap, but Machan does not deal with the problem.)

I must confess that I had never been able to make any sense of the Randian focus on the "choice of life" as the foundation of morality until I read this book. Machan explores the meaning of that choice in the context of self-determination and moral obligation.

Natural law and natural rights are not necessarily self-evident but must be discovered. Previous civilizations that did not recognize human rights were not made up of stupid people unable to grasp obvious truths but of rational beings who had not yet had the experiences that allow us to discover truth. The philosopher may arrive on the scene later to rationalize—and perhaps even to extend—what has been learned, but the discovery procedure itself involves other processes besides philosophical speculation.

Machan does not do any of this work for us here (not a flaw of the book), but exactly this task is undertaken in F.A. Hayek's latest book, *The Fatal Conceit*. What Hayek adds to the concrete facts of history is what the Scottish moral philosophers called "conjectural history," that is, the rational reconstruction of real historical processes to understand what about them is repeatable and hence universal.

Besides sometimes abtruse metaphysical speculation, Machan's book contains a great deal of sound common sense. Machan carefully and patiently deals with the objections of antiliberal philosophers and offers convincing responses. He has synthesized a great deal of material in this work and has engaged the critics of libertarianism in a fair, respectful, and serious debate. It would be too great a task to examine all of the arguments, so I simply recommend that the reader buy the book. Having praised the book, I would like to move on to the much more manageable task of pointing out its faults.

First, Machan's view of moral choice puts far too great a focus on deliberation in choice and pays too little attention to the formation of character and habit. He equates rationality with conscious deliberation. Machan would be on stronger ground if he were to emphasize the purposiveness of human action and not the deliberative character of choice.

Second, his theory of property is rather muddled. While he makes very sound arguments about the necessity of property rights for moral choice, he offers a somewhat confused set of foundations. On the one hand, he argues for "limits which spell out some spheres of personal authority" and that "private property rights are morally justified in part because they are the concrete requirement for delineating the sphere of jurisdiction of each person's moral authority." But Machan also argues that the initial assignment of property rights is a "reward" (from whom?) for "prudent judgment, wisdom, [and] clear assessment of the prospects one might anticipate from...'mixing of one's labor.' "

What, then, of so-called "intellectual

property rights"? Are they justified? On the one hand, they limit our rights to use our tangible property (our voices, cameras, tape recorders, printers, industrial machinery, etc.), even without any form of consent—tacit or express—to be so limited. On the other hand, they are often justified as rewards for creative efforts. Here the arguments seem to conflict. Even worse, this combination of arguments leads Machan to argue that many profits are "undeserved" but still merit legal protection: undeserved, because the result of chance or of actions—such as selling pornography—that Machan considers immoral but not rights-violating.

This is a terrible confusion, one that threatens to undermine the moral foundations of the market system. It would be much better to combine the property theory of Locke with the moral dualism of Hayek. The theory of self-ownership, or ownership by each person of his or her body, provides a firmer foundation for property rights than such inherently subjective notions as "moral desert." A "two-tiered" approach to morality, with one set of rules for the small group—such as the family, where moral desert makes sense—and another, abstract set of rules for the extended orders—such as the market economy—avoids the problems with which Machan inadequately deals.

Third, and by far the biggest problem with Machan's book, is his concluding argument for government. There are two elements to his argument. The more worrisome is his assertion that we "consent" to be governed and that we can even consent to give away our rights. Thus, criminals "consent" to be punished, even with death.

Machan rather clumsily employs the theory of implicit consent, the tool of tyrants for hundreds of years. Implicit consent is far more likely to justify slavery than freedom. Moreover, it contradicts one of the central claims of Machan's theory of rights—that some rights are inalienable features of our human existence. Locke saw the trap in the implicit consent argument and instead argued that although inalienable rights could never be *given* to another, they could be made *forfeit,* through various heinous criminal acts, such as murder.

The second element to Machan's argument for government is historically false: He simply asserts—with no argument at all—that "a just human community can have only one final authority" and "it is a necessary feature of a good human community that its political authority be undivided." As economic and legal historians have shown, the emergence of the rule of law, individual rights, and widespread prosperity in the West was a result, not simply of philosophical speculation and propaganda, but of the dispersion of political, legal, religious, and economic authority and the resulting competition among these authorities to attract followers, capital, skills, population, and so on.

As Hayek has argued, competition is a discovery procedure and to cut it off—in science, in economic life, in law, or in politics—would be to destroy the very process that allows us to learn about the world. Thus, if Machan is right and natural law is a matter to be discovered, and not simply deduced from gazing at "timeless essences," then monopolization of law and authority would leave us blind, unable to know what natural law is.

Despite its shortcomings, *Individuals and Their Rights* is well worth reading. Machan offers good arguments for individual rights and the free society they ground, and even when he is wrong his mistakes are illuminating.

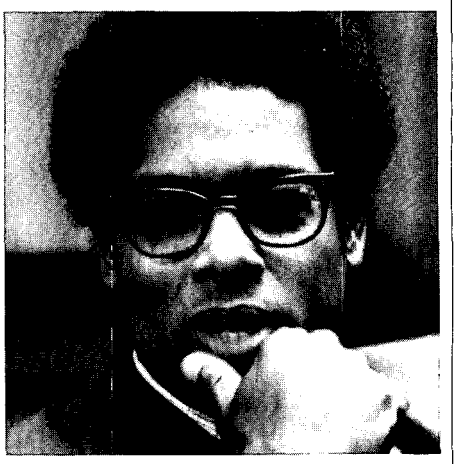
Tom G. Palmer is director of student affairs at the Institute for Humane Studies at George Mason University and director of the Vienna-based East-West Outreach Program, a joint project of IHS and the Carl Menger Institute in Vienna.

Unreliable Guide

BY ALLEN R. SANDERSON

Choosing a College, by Thomas Sowell
New York: Harper & Row, 214 pages, $17.95/$7.95 paper

Thomas Sowell is often—and intentionally—controversial, occasionally infuriating, never boring, and usually right. From clever applications and extensions of basic economic principles, to broader social, philosophical, and public policy questions, his perspectives and contributions have earned him a substantial readership and a loyal following (of which this reviewer is a member). Thus when he sets out, as father, economist, and educator, to write a guide for prospective college students and their parents, the reader anticipates a solid addition to the genre. However, *Choosing a College* proves a disappointing and perhaps even disturbing book.



Thomas Sowell: His pet peeves offer a disappointing guide to colleges.

PEG OWENS

Bashing higher education has been a popular participant and spectator sport of the 1980s. Allan Bloom's *The Closing of the American Mind,* aided by former Secretary of Education William Bennett and others, fueled debates on Western civilization. (Bennett also scolded students for having too much money and colleges for taking it from them.) Charles Sykes's *Profscam* claimed, among other things, that professors have driven a large, self-serving wedge between reward and effort. Other forays have included investigations of big-time college

athletics, the validity of both standardized admissions tests and preparatory courses (as well as the causes of declining SAT scores in this country), and, most recently, alleged collusion and pricefixing among the nation's elite colleges and universities.

In *Choosing*, Sowell is, for all practical purposes, functioning as a critic of higher education. The book is not so much a guide as it is a personal litany of complaints that are barely distinguishable from those of Bennett, Bloom, Sykes, and others. Siskel and Ebert review films, sometimes very critically, but they are not openly hostile to the medium. They are also knowledgeable—and they do their homework. The same could be said of those in the ABC booth for "Monday Night Football."

But reading Sowell on colleges is akin to watching Sam Donaldson covering Republican conventions: He is uncomfortable with this crowd, his satisfactions are heavily dependent on an occasional, serendipitous uncovering of land mines in the making, and his fears of being boring or ignored influence his reporting. Sowell needs no permit to be a critic of higher education, though he may have to take a number and get in line, but he should not be doing it in the guise of a purported how-to volume subtitled "A Guide for Parents and Students."

Throughout *Choosing*, Sowell is openly hostile, angry, and goading toward most of higher education. His complaints are seemingly ubiquitous, and his language is unnecessarily pejorative and condescending. Sowell rails against coed dormitories, public graffiti, interdisciplinary programs, Marxists, professors who don't teach undergraduates, social permissiveness, college athletics, treatment of minorities, and even food on campus. From an avowed purpose "to help parents and students sort out some basic and very important questions" and "to offer some practical suggestions," he tells parents in the same breath "not [to] defer to, or be intimidated by, educators who have failed so many children in so many ways for so long."

The first third of the book is by far the best. Chapters one through four offer solid information and thoughtful counsel on a range of important questions—tests and admissions, costs and financial aid, differences among colleges (including institutional type and personal factors such as values). Normative aspects in these pages are confined to the economist's perspective that working one's way through college is less efficient than borrowing (though this overlooks the social and change-of-pace benefits from working while attending school), and the assertion that research universities value research over teaching (while rejoinders from these institutions would point out that these two activities are closely and positively related because involvement in the advancement of knowledge increases effectiveness in the classroom).

In this section and throughout the book, Sowell focuses almost entirely on permutations of doctorates—the percentage of an undergraduate student body continuing on for Ph.D.s (very small even in the best colleges), the percentage of faculty members at a given school with Ph.D.s, the graduate schools and programs whence a college's faculty members obtained their Ph.D.s, and so forth—as the basic measure of quality. While probably important, placing these criteria so far beyond anything else, to the exclusion of all others (including graduates who pursue advanced training and careers in business, law, or medicine, for example), is odd and quite likely distorts the larger case he wants to make.

The middle third of the book is inappropriate at best. Chapters five to seven dwell, via a collection of anecdotes and thinly disguised prejudices, on Sowell's pet peeves and on factors that one may want to consider in making the most of college once matriculated but not in choosing one school over another. While topics such as tests, financial aid, other published guides, and libraries receive some coverage, the largest sections are devoted to indoctrination and irresponsibility in teaching, the sexual environment, and how colleges mismatch black students. Furthermore, here and in subsequent chapters Sowell assumes levels of both naiveté and sophistication on the part of parents and high school seniors that are unlikely and inconsistent.

Few would argue with Sowell's comment that "the policies, practices, and attitudes of colleges and their officials can influence the social environment, which can be of enormous importance to the personal as well as academic development of a student." But this is the introduction to one of the longest sections in the book, and what follows it is a condemnation of current *sexual* policies, practices, and attitudes, which include distribution of "safer sex" kits, encouragement of nontraditional sexual experimentation, pro-gay and lesbian stances, and coed dormitories (the longest list in the entire book is of colleges and universities with predominantly single-sex living accommodations). The point is not that such things are unimportant—calling attention to abuses and biases is to be applauded—but that Sowell's coverage is callow and caustic and has little in the way of substance or counsel.

In previously published material Sowell raised the "mismatch" issue—that black students on many campuses may be at the top of their academic group or with respect to the population as a whole, but their academic records would place them near the bottom of student bodies at their predominantly white institutions. The point is controversial, it raises both hackles and important policy questions, and it is a claim that in this day and age could have been made explicit only by a black educator such as Sowell. But beyond this, the chapter on minority students is unfortunately of little use to, and probably unrealistic for, the vast majority of black students and their families.

While Edward Fiske and other authors of popular guidebooks rely on small armies of students, surveys, and reams of data for their commentaries and tables, Sowell's research exhibits little depth. His cases and examples are largely anecdotal and most likely isolated examples that could be generated—and virtually assured—by the Law of Large

Numbers. They would never survive the statistical demands and standards of empirical research commonly accepted by his discipline and by Sowell himself.

The only references to teaching quality at Princeton, for instance, are comments on course evaluations that refer to professors as "rambling, confusing, unorganized, or even incoherent," hardly representative either of faculty members or of course evaluations at that institution. Sowell apparently didn't apply to one liberal arts college because he didn't like the soup they served him at lunch in the cafeteria, which, along with denigrating teaching in the Ivy League, gives new meaning to the expression "from soup to nuts."

Sowell mentions more than 300 colleges and universities, many of them repeatedly, in 200 pages of text but offers little evidence to support his ubiquitous "four good schools for this, five for that" lists. In addition, he implicitly proposes a new, and seemingly testable, hypothesis that graffiti correlates inversely with positive attitudes; he should test the assertion or drop it.

While he alleges rating inconsistencies across guidebooks and methods of evaluating teaching quality (though one might counterallege that neither hypothesis could survive empirical scrutiny), Sowell encourages parents, during campus visits while their children are off in the dorms being poisoned by bad food or exposed to sexual deviants and drug users, to strike up conversations with local waitresses, department store cashiers, and gas station attendants to get the real inside information on the school. This is a source of insight somehow completely overlooked by all previous writers of college guidebooks.

And although Sowell belongs to a discipline that believes that information, like all other goods and services, is a scarce resource, and thus one should make rational decisions based on less-than-perfect knowledge, he advises students and their parents in their copious spare time to buy subscriptions to local newspapers, consult city and county data books for socioeconomic breakdowns of the population, check climate atlases for precise rainfall and snowfall figures, purchase catalogues and guide books, and spend at least two days on each campus visit. In addition, he assumes that while most Americans cannot remember the names of their own congressmen, they are capable of looking at a syllabus and knowing instantaneously that Zinn writes "crude propaganda," but Genovese is a Marxist with ethical standards, or that Tribe, Dworkin, and Posner are legal scholars of particular political persuasions (rather than three astronauts or linebackers for the New York Giants?).

The concluding section, chapters 8-12, initially reverts back to and expands on the material in the first four chapters—tests, published guides, college brochures—but quickly lapses into a continuation of now-familiar gripes: graffiti, stereos, inaccessible big-name professors, propaganda and syllabi, the admissions "game"—all punctuated with adjectives such as "ludicrous" and "pathetic."

Overall, Sowell's material is subjective and arbitrary; he is rarely helpful or thoughtful; and his implicit hypotheses would likely fail most empirical investigations. Despite some inconsistencies noted by Sowell across popular guides to colleges, for instance, the consistencies far outweigh the discrepancies; good students avoid Mickey Mouse courses, and the campus grapevine is a very efficient provider of information; and by and large college admissions directors and advisers are knowledgeable, professional, and concerned about the welfare of students and families, rather than being the academy's equivalent of used car salesmen.

One should applaud Sowell's emphasis on bringing parents into these conversations, his stress on the value of a good liberal arts education, and the candor with which he takes on some current social and political practices or mores on campus that leave even many insiders privately queasy. He also offers solid advice and information on testing, the complexities of admissions, financial aid and meeting the costs of college, and personal factors that one might want to consider in narrowing the field.

His digressions, however, are more than mere distractions; they represent convenient vehicles for diatribes and outlets for his personal dissatisfactions and tastes. He is so overwhelmingly negative and critical (without the offering many prescriptions for change) that parents who read the book might prefer that their children avoid college altogether. If Sowell submitted anything like *Choosing*, in terms of tone and assertions, to a professional journal, it would be summarily and resoundingly dismissed. But this is far too good a jockey, and too important a horse, not to hope that he'll get into shape for another run for the roses.

Allen R. Sanderson, an economist, is associate provost at the University of Chicago. He has two children in college.

The American Dream Perverted

BY RICHARD J. DENNIS

The Cocaine Kids, by Terry Williams
Reading, Mass.: Addison-Wesley, 140 pages, $16.30

President Bush and national drug czar Bill Bennett have gotten lots of political mileage from demonizing drug dealers. *The Cocaine Kids*, a new book by sociologist Terry Williams, makes the case that "we have met the enemy, and he is us."

This slim volume, subtitled "The Inside Story of a Teenage Drug Ring," focuses on the lives of eight young cocaine dealers in New York City between 1982 and 1986. The author spent "some two hours a day, three days a week, hanging out with these kids in cocaine bars, after-hours spots, discos, restaurants, crack houses, on street corners,

in their homes and at family gatherings." The resulting story is an engrossing journey into a subculture most Americans will never experience—and just as well. It is a desperate and tawdry existence.

But what we learn above all is that the cocaine kids are mostly just kids. Williams has succeeded in obliterating the easy stereotype. These are ordinary teenagers struggling to impress girls and worrying about their favorite baseball team (the Mets). Like other Americans, they measure success by material wealth. Our current drug laws present an extraordinary opportunity for their enrichment.

But while they make huge sums of money, amounting to hundreds of thousands of dollars a year, very little of it sticks to their fingers. These immature kids squander almost all of what they make on their own drug consumption and continuous "partying." The only member of the ring who managed to accumulate any wealth quit after five years to open a legitimate business. The ring's Colombian connection, however, reaped enormous profits—an estimated $8 million through the kids' efforts.

These kids aren't without values. They just live in a different world. While all of the kids snort cocaine regularly, Williams reports that the use of crack is generally frowned upon: "Most dealers see crack smokers as obsessive consumers who cannot take care of business; crack users, they say, tend to become agitated, quickly lose control and concentration, and take one dose after another at the expense of everything else."

The crack smoke itself is considered so precious that users go to bizarre lengths to preserve it. Williams describes regulars at one South Bronx crack house who are known as "balloon heads." They blow their excess smoke into a balloon, holding it closed with a finger until they are ready to inhale again. Who really believes they'll be deterred by "user accountability"?

The book provides no indication that current drug laws or law enforcement are having any noticeable impact on the cocaine trade. In fact, Williams points out that the rise of the cocaine kids was an unintended consequence of an earlier drug war.

New York's harsh "Rockefeller laws" mandated a prison term for anyone over 18 in possession of an illegal drug. This led heroin dealers to use kids as runners. Cocaine dealers simply followed the pattern. Williams writes: "Young people not only avoid the law but are, for the most part, quite trustworthy. They are also relatively easy to frighten and control."

The Cocaine Kids reveals the folly of our current drug laws and helps make the case for decriminalization or legalization. Legalizing the sale of most drugs to adults would reduce crime and corruption virtually overnight by disempowering the drug cartels and impoverishing drug dealers.

How will legalization affect the cocaine kids? It will take away their bailiwick and deprive them of their livelihood. But almost all of them eventually end up broke anyway.

Legalization won't help teenagers who are undereducated and underqualified. But it can save them from the temptation to deal in drugs by removing the lure of great wealth that currently beckons them. And it can greatly reduce the power of drug-financed gangs to influence kids in our inner cities.

Readers of *The Cocaine Kids* will no doubt conclude that a decent society shouldn't produce children like this. Their story is the American dream perverted. Readers may also conclude that a decent society shouldn't tempt children with the kind of money that results from current drug policies.

Richard Dennis is creator of the Richard J. Dennis Drugpeace Award for Achievement in the Field of Drug Policy Reform.

Dave Barry Slept Here: A Sort of History of the United States, by Dave Barry, New York: Random House, 178 pages, $15.95. "At this point Mexico owned the territory that we now call 'Texas,' which consisted primarily of what we now call 'dirt.' " This is history? Only in the warped mind of Dave Barry, the Pulitzer Prize–winning humorist for the *Miami Herald*. His latest book, *Dave Barry Slept Here*, may not do to history what *Airplane!* did to disaster movies, but it's a good start.

Barry has a noble purpose. Relaying the sad truth that Americans know little about their own history ("78 percent of [high school students tested] identified Abraham Lincoln as 'a kind of lobster' "), Dave tries to set us straight. He presents a book that leaves out all the dull parts (mostly the facts).

You can astonish your friends with the following anecdotes (which Barry made up): Abe Lincoln's family was so poor that he grew up in a log cabin made of one log. Andrew "Dale" Carnegie made a fortune by conducting seminars in which he taught people how to win friends by making steel. And Jimmy Carter claimed a large attack rabbit chased him while canoeing. (Oops, that really happened.)

Barry even has the audacity to ocassionally stumble upon the truth. For example, he explains how the Founding Fathers paid the Revolutionary War debt. Alexander Hamilton came up with an idea "so brilliant—and yet so simple—that it remains extremely popular with governments to this very day. 'Let's print money with our pictures on it,' Hamilton suggested."

And here's how Barry explains the Monroe Doctrine:

"1. Other nations are *not allowed* to mess around with the internal affairs of nations in this hemisphere.

2. But we are.

3. Ha-ha-ha."

Barry is an impressive humorist. In the spirit of Mark Twain, Monty Python, and "Saturday Night Live," his humor is fast, irreverent, and not cynical. He's quite willing to make himself part of the joke.

Perhaps the greatest danger the reader faces is his uncontrollable desire to read portions of the book aloud to friends or loved ones. AVOID THIS TEMPTATION! Unscientific statistical sampling has shown that these readers start giggling involuntarily during the performance, blowing the punch lines and diminishing Barry's humorous impact. By all means buy this book, but let your friends enjoy it on their own.

—Rick Henderson

TANKS, BUT NO TANKS

BY THOMAS W. HAZLETT

So there we were, zipping along into the 20th century, a war here, a holocaust there—and blammo! Suddenly, we're in geopolitical heaven. Tyrants are toppling like so many bowling pins at the epicenter of an 8.0 earthquake, with mountains being heaved by masses of humanity yearning to breathe free. These are not the capitalist coffeehouse revolutionaries of Madison, Berkeley, or Soho, mouthing the witticisms of the brothers Marx or the sisters Lenin and ranting of The Struggle while designer costumed in the garb of this season's fashion-conscious Vanguard. No. These are simple men and women who have gone marching without scripts, props, or propaganda.

These quiet folks are the girders upon which all societies hang. But they are flesh and spirit, not iron and ore. And they have finally been given the word: "The coast is clear. You can come out to play now." The souls of common men have emerged from their secret hiding places and have asserted their will over the very governments which were so freely having their way with them. Instantly, the entire world is transformed. And all because of one teensy-weensy policy reform: *No Soviet tanks.*

Eric Hoffer condemned the 20th century as bloodstained and maniacal beyond imagination: "Some of the disastrous absurdities of the 20th Century: the First World War, the Russian Revolution, the Versailles Peace Treaty, Prohibition, the Great Depression, the Roosevelt Administration....the Hitler revolution, the Second World War, the 1960s."

But while the innocents have suffered for the sins of our time, painfully and en masse, they have not been altogether blameless, he noted: "The sickness of the 20th Century has been cowardice—the cowardice of millions allowing themselves to be liquidated by communists and Nazis without hitting back....The mystery of our time is the inability of decent people to get angry."

But personal anger vs. Soviet tanks produces a very large point spread. And the smart money is still on the tanks. Warsaw's Jews did rise up against the oppressor during the very darkest days of this century, and dug (literally) their own graves. Not that their long-term prospects were bright. But they were decent, and they got angry.

So did the East Germans in 1953, the Hungarians in 1956, the Czechs in 1968, the Poles in 1981. But the Soviet tanks were all gassed up and ready to roll. The tanks won. The heroic dead were a two-fer for the Communist State: (1) the worst "parasites" were flushed from the Body Politic; (2) everyone else learned a basic lesson. A steep learning curve pointed decent people toward cowardice, simply because they were unable to shake off the instinctive biological presumption of all non-extinct species: choose life.

History shows that the demonstration of just a few tanks is very instructive. Unhappily, our files are continually updated; the behavior of approximately one billion human beings has been recently tamed by the dramatic and well-publicized extermination of 500 or 1,000 pop-offs in Tiananmen Square. My, aren't they well behaved, those Chinamen?

Propaganda can help the rulers economize on ammunition, but it is never enough. The Party Line is a joke, minus the bullets to back it up (which make it much less funny, indeed). No sooner had M.S. Gorbachev pulled the plug on the Soviet tank battalions than the Emperors Without Clothes were just a bunch of preposterous, cranky old commies. And, without tanks on the horizon, buck naked. Ceausescu, the one with his own tanks and secret police, went down hardest and best. But there is the little matter of the 4,500 who volunteered to stand before the first line of fire and consecrated Romanian liberation with their blood. (Nicolae's self-designation, "Hero of Heroes," now brings tears, rather than smirks, from those who knew both the poseur and the real thing.) These were decent men, women, and children, and they got angry. They, and their genes, are gone.

Mao's NRA-endorsed postulate about political power omitted certain footnotes. The peoples of the Eastern Bloc had 40 years to get with the program, yet support for Official Truth was so thin that, for example, jury selection in the Ceausescu case was irrelevant; no 12 people in the entire country could be assembled who did not wish "The Truth Itself" dead. Firepower did not buy allegiance.

It did, however, procure demoralization in bulk. Czeslaw Milosz, the great Polish writer, ends his novel of the post-war communization, *Seizure of Power*, with the protagonist—a troubled man of conscience—pondering the darkness descending over his nation. To him "the only important question [was] how a man could preserve himself from the taint of sadness and indifference."

We have learned of countervailing forces; brutal oppression works to destroy men's audacity, but that force is itself an admission of failure which makes it impossible to win men's minds. (Thus, the inner contradiction of Marxism?) "Totalitarianism" turns out to be a misnomer. Terror depresses, but it cannot control the vital human juices which, in time, fill men's veins with hope and freedom.

The virulence of communism was that it proved a crafty motivator, giving men messianic payoffs for believing, accompanied by quick and cruel paybacks for doubting. We have learned from our bitter century that tanks can tame men's actions. But what we now know is that tanks may not corral their souls. We are not yet out of angry, decent people.

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis.

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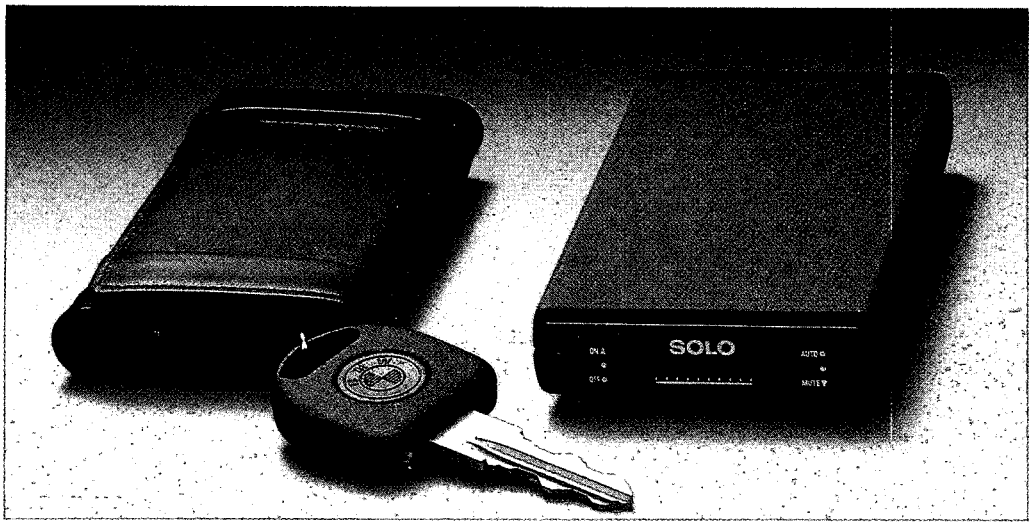

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